

**ROYAL BOROUGH
OF
KENSINGTON & CHELSEA**

DOCUMENT SEPARATOR

DOCUMENT TYPE:

APPEAL DECISION



APPD

do not and cannot constitute good architecture, however well detailed and sculpturally well formed the towers. A better characterisation of the RBKC position would be 'wrong buildings at this place, however august the architect'.

- 9.7 RBKC welcomes the imaginative reuse and redevelopment of the power station, the enhancement of the permeability of the area and the overall grain and regeneration of the site. Sir Terry Farrell has cleverly overcome many of the planning negatives associated with the existing unused power station and referred to in the Lots Road Planning Brief. But it is not, and cannot be, any part of Circadian's case that the only way in which that can be achieved is by means of a scheme which, of necessity, must include the two tall towers proposed.

Overall context

- 9.8 The site lies on the boundary of RBKC and LBHF. Neither authority is characterised by tall buildings or by an economic or other imperative for new, very tall buildings. The site is not visually or functionally connected with the inner urban areas of Central London, nor with its identified clusters of tall buildings. The site does not lie in an area identified in any strategic or local policy as appropriate for a tall building (or buildings).
- 9.9 The site is extremely sensitive to inappropriate development. As Sir Terry Farrell himself acknowledged, the positioning of the site at the apex of two very long reaches of the Thames means that the site is of great **visual** significance. As such, it is vulnerable to harmful development which is not in keeping or in character with this part of the river. A harmful tall building on this site is not one that it would be possible, easily, to walk away from or to ignore. It would be a reminder, a legacy, of an over-ambitious and contextually inappropriate approach to the site and to this reach of the river.

Impact on river views

Importance of the Thames

- 9.10 The Thames is, in its importance, **truly** iconic. The river, its shape, its openness, its bridges – they are all symbols of the London to be seen all about us. The river's importance derives from its history, its scale, its reservation of structural open space in the heart of London and its relationship with the important buildings along its banks.
- 9.11 That is a material consideration of the most powerful type. Significant harm to the Thames as an interest of acknowledged national importance should almost always result in a justified refusal of consent.

Views from upstream

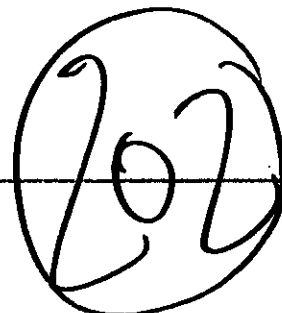
- 9.12 Views of the site from the upstream south bank of the river are of importance. They are recognised in a series of policy and character appraisal documents as being key views in this reach of the river. The importance derives, in part, from the length of the views that can be attained, from the graceful arch of the river at this location and from the immediate openness of the Thames in front of the footpath or bridge viewer.^A This importance was acknowledged, in terms, by Sir Terry Farrell and Professor Tavernor on behalf of Circadian. The significance of these views is likely to **increase**, not decrease, over the coming years, because access to the south bank and the views it affords is expanding, consistent with the London Plan and the Wandsworth UDP.

^A Document A/RT/A – see, for example, Views CP12, CP13 and RT2 (pp. RT/3-16,18 and 28).

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- 9.13 The proposal has a profound impact upon these views.
- 9.14 From the south bank, the proposed towers would present their widest aspect to the river. The full width of the rhomboid's faces would be directed to the viewer. And it must be remembered that the width of the towers is in excess of 40m. Proportion and mass are functions of, amongst other things, height and width. In the views from the upstream south bank, the proposed towers cannot be described as slender. They would have a stolidity giving them a presence – but an unattractive presence, hard up upon on the banks of the river.
- 9.15 The towers reach the sky in a way which would **emphasise** rather than diminish this stolidity. Because of the width of the elevation the treatment of the top of the towers beyond the articulated balconies has a top-heaviness which is particularly, though not exclusively, evident in the shorter of the two towers.
- 9.16 The towers would command and dominate the view without any rational townscape reason being apparent. Neither is there a perceptible or legible reason for the townscape pairing of such tall towers so close to each other. Chelsea Creek, even if it were to be considered to be an appropriate element requiring such signifiers, cannot be seen or understood from any part of this upstream reach.
- 9.17 And matters would be made worse from these important viewpoints when the bulk of each tower seems to move towards the other as the viewer travels further upstream. Ultimately, they would be seen to merge into one and, for a significant extent of the walk, would continue to overlap. The images do not allow the imagination, from any part of this important reach, to conceive of the towers as slender, elegant dancers moving around each other, as suggested by Sir Terry Farrell. Instead, when seen and perceived in profile, they would appear lumpen. They cannot echo, mirror or reflect the industrial slenderness of the power station chimneys in these views. If they be dancers, then they are in an unconvincing back-to-back embrace.
- 9.18 Neither can the argument be ranged in favour of this proposal that overlapping forms are an inevitable necessity when considering clusters or pairs of tall buildings. It is not that they would be seen to overlap in incidental views within a bigger, wider cluster (as with the Heron Tower and the eastern City cluster for example). Here, the towers are designed deliberately to sit and to overlap on a most important axis. Inevitably, they would be seen as an overlapping pair in views along one of the two long and key reaches of the river. Moreover, the form, materials, massing and roof treatment of the towers are entirely alien to the context of this part of the reach. They do not reflect the existing character of the reach or any part of it.^A They would not establish a sensible or necessary relationship with the World End's towers to the east. And they would breach a clear and established datum height for the viewer in an inexplicable and unexplained way.
- 9.19 This harmful impact would be apparent to greater or lesser degrees for the entire stretch of the Thames path moving upstream on the south bank from opposite the site. And the extensions and additions to the path mentioned above are material considerations to which significant weight should be given. They mean that views from upstream towards the widest part of the towers are likely to become much more comprehensive.

^A Document A/RT/A – as View CP13 (p.RT/3-19) makes clear.



Views from downstream

- 9.20 Views of the site from downstream are equally of importance. Their significance derives again from the length of the reach towards the apex upon which the site sits. But the reach's importance derives also from the undeveloped and sylvan nature of large parts of its banks and from the openness of the views afforded by the existence of the river itself and the listed bridges which cross it.^A
- 9.21 Lots Road Power Station, at present, represents a familiar and appropriate punctuation to the long-distance views from Chelsea Bridge to the apex of the reach. The photographs presented to the inquiry all underplay the role it plays when viewed with the naked eye. Its position just at the end of the longest line of view is accidental but propitious. In contrast, the proposed towers would rise in an un-rooted and invisible way from beyond the apex of the reach. They would seem to fill the centre of the river with substantial built development of a type not apparent at present – with two harmful effects.
- 9.22 Firstly, the development would foreshorten the impression of the length of the reach, placing very tall development in the centre of the view, harmfully competing, for no sensible townscape reason, with the scale and visual focus of the river at this location. Secondly, it would make the river more difficult to read along this structurally important long reach. The legibility of the Thames is an important material consideration. From large parts of the northern embankment, with the proposed towers in place, it would not be clear whether they identified a north or a south bank, a Wandsworth or a Kensington location.^B
- 9.23 Moreover, the modern, large, lit structures of the proposed towers would rise beyond the delicate structure of the grade II* Albert Bridge, clearly detracting from its setting. A particularly notable part of the attraction of the Albert Bridge and its setting is its night-time appearance. It is lit in the evening and at night with a myriad of white bulbs which, as well as being attractive, significantly add to the romance and delicacy of the bridge as an important Thames structure. These views, often chosen as night-time symbols of London and the Thames by filmmakers and others, are, at present, largely unaffected by the existing structures during the hours of darkness. That would not be so in the future. The towers would be lit and are designed to be animated features, high on the skyline. The towers would rise above and behind the important night-time view of the bridge in a harmful and distracting way.
- 9.24 Because the embankment route along this reach is largely linear, and lacking any bends, the axial views of the towers will alter only slowly as the viewer travels west. And because the views are relatively slow-changing, the impact of the proposals would be far more than ephemeral or fleeting.

Close-to Thames impacts

- 9.25 Closer to the site itself, the dominant feature in the environment remains the river itself. The openness and grand sweep are self-evident. The power station also gains more prominence in these closer views. It clearly and unambiguously acts as a landmark which sits with and is to be read in conjunction with the openness of the river at this location. Imposing the two towers on these views would undoubtedly reduce the impact

^A Document A/RT/A – Views CP1 and CP3 (pp.RT/3-2 and 3-4)

^B Document CD58 – para. C1.146 appears to concede this.

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and openness of the Thames at these locations,^A reducing the perception of the width of the river and seeming to reach across it.

- 9.26 These impacts are apparent from the photomontages presented. But, if anything, they are underplayed. As already mentioned, photomontages cannot come close to describing the true effect of buildings of this scale at this location. It is now well established that all buildings of scale are diminished by the photographic process. For example, the apparent scale of the power station is clearly diminished in the photographs. In real life, the presence of the building is greater than shown in the photographic image. The impact of the two towers, substantially larger and closer to the river than the power station, would be immense (and harmfully so) to the naked eye. The site would be brought significantly further forward in the perception of the viewer. The proposals would effect a visual closure to the views which is neither necessary nor appropriate.

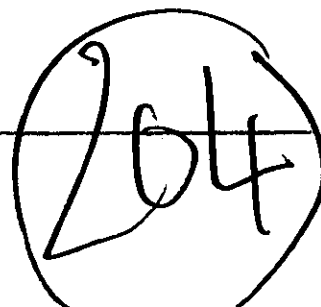
Impact on Lots Road Power Station

- 9.27 Lots Road Power Station is undoubtedly an important visual landmark on this reach of the Thames. It is identified as such by every relevant witness for the applicant. The importance of the retention of the power station to the overall master planning of the scheme was very clear from the presentation of Sir Terry Farrell. It is a central premise of the proposals.
- 9.28 The land use planning drawbacks of the power station are obvious, well known and predominantly relate to its lack of permeability and its impact on the planning grain of the area. If these more landward planning limitations can be overcome by an imaginative scheme, there can be no further planning purpose to be served by the demolition of a building which otherwise serves an important Thames-side landmark function. Sir Terry Farrell's proposal for the power station and its integration into the Lots Road triangle is imaginative. Indeed, it is probably fair to describe **this** part of the scheme as visionary. It would retain the power station while removing the vast majority of the planning harms associated with the scale of the building.
- 9.29 If the Power Station is to remain, as in these circumstances it clearly should, its undoubted landmark function should also be adequately recognised by the proposal. This proposition was accepted by the applicant in terms and is said to be a central and important part of the master plan. If and in so far as the proposal fails adequately to recognise the landmark status of the power station, or harmfully diminishes or belittles it, a central and underlying premise of the proposal will thus have been undermined.
- 9.30 Why is the power station an important Thames landmark? 'Two aspects of the site mark it out as a place of not only local importance but also of metropolitan significance. Firstly, the power station itself is one of only three buildings of its type along the Thames in central London; massive reassuring structures that generated the power for London and symbolised the city's strength. They are all historic London landmarks.'^B 'The power station, the landmark building situated on the site, is one of the three buildings of this type along the river in central London and it has significant historic interest ... It is a landmark building partly because of its previous use and the role it has played in the history of London and partly because of its physical prominence.'^C 'As a symbol of the stalwart qualities of London and its inhabitants and as a symbol of innovative design,

^A Document A/RT/A – Views CP7, CP8 and CP9 (pp.RT/3-8 – 3-13) in particular.

^B Document A/TF/P – para. 2.2.13.

^C Document A/TF/P – para. 3.5.1.



structure and engineering, Lots Road Power Station is of great importance.^A These are the words of the scheme's architect – and they are correct and accurate. The Lots Road power station is a familiar and iconic part of the riverscape in this part of London.

- 9.31 The photographs of the existing position^B underline the reason Sir Terry Farrell was able to make this judgment. The views from both upstream and downstream clearly underscore the importance and iconic status of the power station profile on the Thames. The existing contribution of the power station to the riverscape is a powerful material consideration, notwithstanding the fact that it is neither a listed building nor within a conservation area. This importance is reflected in the architect's intention for the scheme as a whole, which we are told is meant to retain the power station in its 'familiar and iconic form'.^C

Analysis of the impact on the power station as a landmark

- 9.32 The existing landmark has been correctly identified in the applicant's evidence as stalwart, heroic, impressive, of physical prominence on the river. The power station was accepted by Sir Terry Farrell as having a grand horizontality.
- 9.33 There is no policy or other support for the suggestion that there is a **requirement** for a further landmark or landmarks upon this site.
- 9.34 Conceptually, the idea of an existing powerful, iconic river landmark being successfully supplemented by other, different, physically and functionally distinct landmarks is a difficult one. By definition, there is inevitably the risk that providing more than one landmark at or about the same location will result in competition between landmarks and/or domination of one landmark by another. 'Since the use of landmarks involves the singling out of one element from a host of possibilities, the key physical characteristic of this class is singularity, some aspect that is unique or memorable in the context.'^D The emphasis is on 'singularity'.

Impact of the layering of landmarks

From upstream

- 9.35 From important viewpoints of the existing landmark upstream, the proposed towers would significantly and substantially compete with, hide and dominate the existing power station. From the key location at Old Swan Wharf,^E the power station would be all but obscured. The remaining view of part of one of the chimneys would emasculate the power station as a landmark. There is a competition here which would be won, unsurprisingly, by the taller buildings. Even the sturdy towers of the World's End Estate cannot come close to competing with the stolid presence of the two proposed towers in these views.
- 9.36 This impression of dominance and harmful competition continues further upstream – and for a long way upstream. Again, these views will become more important as the Thames path extensions take effect. The suggestion that in these views the power station would remain 'an iconic and familiar' landmark is not sustainable.

^A Document A/TF/P – para. 3.6.1.

^B Most easily seen in Document A/RT/A.

^C Document A/TF/P – para. 3.6.2.

^D Document CD157 – Image of the City, Kevin Lynch, p.78.

^E Document A/RT/A – for example, View RT2.

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From downstream

- 9.37 The same can be said of the views from downstream. From the south end of Battersea Bridge to the axis of the Chelsea Creek, the proposed towers, or at least one of them, would obscure large and important parts of the power station. Of course, the views are kinetic ones – but the fact is that, for very large parts of the travelling route upstream, where presently the power station is the dominant force by reason of its bulk, height and chimneys, it would be belittled by being hidden and/or juxtaposed with two of the tallest buildings directly on the river anywhere in London. The views of the power station from these positions are views of importance to the area as a whole. They are views from a Conservation Area (in Wandsworth) over a Conservation Area (the Thames) to a familiar and iconic landmark building.

From the axis of the creek

- 9.38 Only one (almost) complete view of the familiar and iconic power station would remain.^A It would be an extremely narrow keyhole, book-ended view; a vignette of a wholly inappropriate type which would rob the power station of its essential context. Even here, the Power Station, which should be at its strongest and most formidable, would be dwarfed by the proposed towers.

Generally

- 9.39 The proposed towers, by reason of their height and bulk, would dominate the existing and essentially horizontal Thames-side landmark. They would not and could not act as a foil to the power station. They are of a completely different mass and scalar relationship.
- 9.40 It is inconceivable that the other iconic and historic power stations on the Thames would be treated in this way. Recognition of the force of this argument led to a retreat from the association of Lots Road with Bankside and Battersea and an unjustified downgrading of the importance of the Power Station by Circadian. The clear and consistent association of the Lots Road Power Station with the other 'historic landmarks' in Sir Terry Farrell's proof of evidence had already been identified. The attempts to distinguish Lots Road from Battersea and Bankside in his PowerPoint presentation were entirely new and unconvincing. Lots Road Power Station is clearly a river landmark of key importance, not just a feature on the creek.
- 9.41 Just as Bankside and Battersea, Lots Road is consistently described as an important river landmark in various policy and character appraisal documents. It is closer to and more directly related to the river and wider river views in key views than ever Bankside is. The fact that Lots Road has its axis along the creek adds to its power as a familiar river landmark at the apex of the two long reaches. It gives the horizontality of the power station a familiar directionality, the front façade facing upstream, the gable downstream.
- 9.42 Even if there were some distinction to be drawn between Lots Road and the other great power stations, that cannot justify the belittling of what is recognised as a landmark and the confusion of landmark elements that would be occasioned by these proposals. And yet, this belittling and confusion is not essential to any redevelopment. The important parts of the views are capable of being substantially retained. Careful and imaginative placing of future development could ensure that the key horizontality of the building, surmounted by its chimneys, would remain an important Thames-side landmark.

^A Document A/RT/A – View CP10 (p.RT/3-15).

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Overall conclusion on the location and impact of the towers on the river and power station

- 9.43 This site is not appropriately marked by two very tall towers of the size proposed. Nothing in functional or townscape terms calls for this. The towers would have the effect of belittling and diminishing the sweep, width and openness of the river at this location. They would not add to a proper understanding of the path of the river or this site's role on it. They would compete with and dominate the existing landmark in such a harmful way as to warrant rejection of the proposals.

Impact on the Lots Road Triangle

- 9.44 Away from the water, the residential area of the Lots Road triangle is modest in scale and ambition. As a matter of chronological fact its construction predates that of the power station. The impact of the towers upon this residential area is obviously an important material consideration.
- 9.45 The proposed towers have self-avowedly been designed to sail, armada-like, into the view of the downstream observer, presenting their narrowest, bow-led profile to that reach of the river. As already noted, this means that the widest and least elegant parts of the buildings would be presented to the upstream observer. On the landward side, the Lot's Road triangle, which sits to the north of the proposed towers, would also be presented with the rhomboidal forms at closest to their widest.
- 9.46 From the triangle, three features would combine to make the impact on the triangle unacceptable. Firstly, the width of the towers, especially given that only their upper parts would be visible, would dominate the smaller scale of the residential community. The ability to appreciate any potentially ameliorating effect of height upon bulk would be lacking because only the upper, and thus rather squat, parts of the buildings would be visible. Secondly, the towers would be seen in very close proximity to each other. From significant parts of the triangle, they would be seen as touching or overlapping. Thirdly, the towers would present their north and darkest faces to the triangle. In the shade, even the clearest specification of glass can have a brooding moody presence not seen in the main photomontages presented to the inquiry.

Impact on Brompton Cemetery

- 9.47 The proposal would undoubtedly have a harmful and distracting impact on Brompton Cemetery – on the gardens themselves, as a place of quite contemplation, and on the grade II* listed buildings which grace that experience. The photographs allow an informed judgment to be formed. The harm will be self-evident. To suggest, as did Professor Tavernor,^A that all impacts of the proposals upon the cemetery would be beneficial, or at worse neutral, is risible. Such a clearly inaccurate judgment on a very straightforward conservation matter should give cause to pause when considering other judgments made in relation to this scheme.

Overall conclusion on visual impact

- 9.48 In the absence of any countervailing benefits of the scheme, the impacts upon the Lots Road triangle and Brompton Cemetery are sufficiently harmful as to result in refusal of the proposals. When added to the inappropriateness of the location, the harm to the river and the power station, the case against the towers becomes very weighty indeed.

^A Document A/RT/A – the assessments on pp. RT/3-49, 51, 53 and 55.

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Policy

- 9.49 If the proposals would cause the harm identified above, or any significant part of it, then any sensible policy matrix will suggest that they should be refused. To this extent, and this extent alone, the debate about the relevant policy position is secondary to the spatial and contextual merit of the proposals. This is the reason for dealing first with their merits, or absence of merits. Because of the precise nature of RBKC's objection, it is possible to focus on specific policy on tall buildings at national, strategic and local level.

EH/CABE Guidance on Tall Buildings^A

- 9.50 This guidance is, of course, directly applicable to the proposals. Although not part of the statutory development plan, the Secretary of State has indicated on several occasions that it is advice to which he will attach significant weight. Moreover, the advice encompasses the more generalised guidance relevant to tall buildings contained in PPS1 and PPG15; it is also advice to which the Mayor has specifically had regard and which he has incorporated into the fabric of the London Plan. Two elements are particularly relevant – the advice on the importance of the planning system in identifying locations suitable for tall buildings and the advice on evaluating tall buildings in their context.

Planning for tall buildings

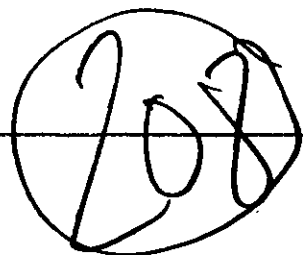
- 9.51 The guidance is clear that both English Heritage (EH) and CABE 'strongly endorse' the positive plan-led approach to the location of tall buildings. It is clearly identified as a desirable, logically and chronologically prior stage to the evaluation of an individual building. The guidance advises that a development plan-led approach to tall buildings enables areas appropriate for tall buildings to be identified in advance within the local development plan or framework, enables proper consultation at the plan-making stage on the fundamental questions of principle and design and sets out an overall vision for the future of a place.^B
- 9.52 This site has **never** been identified through the development plan process as within an area appropriate for tall buildings – not surprisingly when account is taken of its location and function within London. Although highly visible, the site is not located in a functionally significant location in land-use planning terms. Nor is there any spatial or locational support for tall buildings at or near this site. Indeed, all limbs of development plan policy indicate the lack of suitability of the site for tall buildings.
- 9.53 This is an important, indeed critical, part of the overall assessment of the proposals. Neither EH nor CABE appear to have grappled with this element of their own advice in their consideration of the proposals. The merits of the proposal appear to have been considered by both in a virtual vacuum of locational planning and spatial policy. That is a shame – because it runs contrary to clear advice on the importance of the development plan-led approach and community involvement.

Evaluation of tall building proposals

- 9.54 Applying the EH/CABE guidance as a whole, one of the key questions when considering an individual building proposal ought to be, 'Does the proposal spring from a proper understanding of the context of the site as developed through the development plan process?'. In this case, the answer to that question is 'No'. One of the main elements of

^A Document CD151.

^B Document CD151 – para. 2.5.



context in considering the appropriateness of a very tall building is absent. There is, and must be, a close link between the physical context of the site and the aspirations for that context as set out in the development plan. A positive development plan case supporting tall buildings at this location is simply non-existent.

- 9.55 But it goes further. If RBKC's analysis of the merits of the proposal set out above is accepted in whole or in part, it will be found that the proposal fails adequately to respond to its context in terms of topography, height, urban grain, streetscape, riverscape and effect on the landmark power station and skyline. It will therefore fail to satisfy the terms of the Guidance.^A
- 9.56 If that arises, it is a failure of the most significant kind. Each and every relevant witness at the inquiry conceded that, if RBKC's criticisms were accepted, then that failure would go to the heart of the scheme. Planning permission should be refused.

The London Plan^B

- 9.57 The London Plan was published in February 2002 and became part of the statutory development plan in 2004. It contains policies of direct relevance to the determination of the appeal.

Broad development strategy

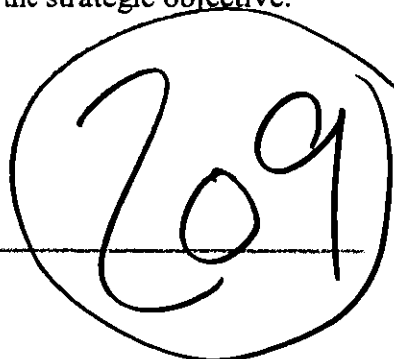
- 9.58 In broad terms, the Plan promotes London as an exemplary, sustainable World City. The overall strategy is for growth. A key objective is to direct and accommodate that growth in a spatially sensible way, consistent with London's international, strategic and capital city role. In order to achieve this in a rational and coherent manner, London is split into five sub-regions. The application site straddles the West London and Central regions.
- 9.59 The broad development strategy is to identify how the spatial plan is to accommodate significant growth in ways that respect and improve London's diverse heritage. The Mayor has concluded that this will best be achieved by, amongst other things, 'recognition of the government's and the wider regional priority for regeneration of East London ...', 'further developments in the Central Activities Zone (CAZ) and associated Opportunity Areas to intensify and accommodate substantial growth particularly in economic activity' and 'major development in other Opportunity Areas, with an overall priority to the east of London along the Thames Gateway ...'.^C The strategic priorities for Central London include the identification of areas suitable for tall buildings.^D There are policies dealing with development in the CAZ, the Opportunity Areas, the Areas of Intensification and the Strategic Employment Zones. There are also specifically defined areas already identified as suitable for tall buildings.
- 9.60 The Lots Road site does not fall within any of these and does not lie within any of the specifically identified main growth areas either. No Sub-Regional Development Framework (SRDF) has been published indicating the suitability of the site for tall buildings. Moreover, the Mayor was able to say that none of the SRDFs in draft had considered it appropriate to identify the site as an appropriate one for tall buildings, even though other locations had been identified in accordance with the strategic objective.

^A Document CD151 – specifically, criteria i), ii) and iv) in para. 4.6.

^B Document CD174.

^C Document CD174 – para. 2.3.

^D Document CD174 – Chapter 5.



- 9.61 Indeed, the functional importance of the area in which the application site sits, at least in part, is specifically dealt with in one particular paragraph of the London Plan. '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.'^A
- 9.62 That paragraph gives a very clear feel of the functional importance and proper, planned vision of the area of the application site within Central London. Nothing in the West London sub-regional strategy suggests that a different approach would be appropriate on the other part of the site. The site lies outside the CAZ and is not an Opportunity Area, a Zone for Intensification, a town centre or in an area identified as suitable for a tall building. Neither is it a transport hub or other site identified as appropriate to be marked by an exceptionally tall landmark building.
- 9.63 This characterisation of the site through the London Plan is in significant contrast to the site of the Vauxhall Tower, for which the Secretary of State has indicated he is minded to grant consent.^B In that case, the Inspector had to consider whether the site in Vauxhall was of such strategic significance as to call for a landmark structure of the height proposed. He concluded that it was not and recommended that the application be refused. In particular, he was of the opinion that the effect of the very tall building proposed would be to draw more attention to the location than was merited by the nature of the uses on the site and the contribution of Vauxhall to London as a whole.
- 9.64 The Secretary of State, in what was clearly a finely balanced overall judgment, disagreed with this conclusion but what he had to say about the locational importance of the Vauxhall site is very instructive. He obviously accepted the need for a clear and proper relationship between the functional importance of the site and its marking with an extremely tall landmark building. He felt able to say that Vauxhall was sufficiently important to be so marked by reason of the fact that that site would be visible from many points within central London, had perceptual and physical links with central London which would be enhanced, lay at the edge of the CAZ, lay at the heart of an Opportunity Area and in a Regeneration Area, lay at the entrance to the central area of the capital and was a transport node of some significance at a major crossing point of the Thames.
- 9.65 This combination of attributes, or anything remotely sufficient to mark the site out in policy or functional terms as suitable for an extremely tall building, is conspicuous by its absence in the present case.
- 9.66 This was recognised by the proponents of the scheme. It led to the proposition that, had the Mayor been truly aware of the nature and scale of the development achievable at and about this location, then he **might** have identified the site as an Opportunity Area. And it was also suggested that the site constituted one of the last and largest brown field housing sites on the Thames. Neither of these suggestions should be given significant weight. As a matter of fact, the site is **not** identified as an Opportunity Area, or indeed

^A Document CD174 – para 5.48.

^B Document A/13 comprises the Inspector's report and the Secretary of State's letter of 31/3/05.

as any other strategically important area in the recently adopted London Plan. What might or might not have happened had the Mayor been given the opportunity to rethink is no more than conjecture and is to be given little weight. Also as a matter of fact, the brownfield site claim is just plain wrong, as a glance at the brownfield areas identified for development in the strategic plan itself will show. Even if it were true, however, there would still be no justification for a tall building on the site. All relevant witnesses agree that, even without the proposed towers, the site is capable of garnering a density of housing appropriate to its location.

- 9.67 And then there is the gateway argument. Notwithstanding the fact that it had not been mentioned by any relevant witness in support of the proposal, including the scheme's architect, the case advanced in cross-examination of RBKC's witness was to the effect that the site would act as one of a pair of riverine gateposts to the Central London sub-region. The argument was faintly familiar. Part of the case for the applicant in favour of the Vauxhall Tower is recorded in the Inspector's report as being, 'The SGW development stands as a gateway into London's central area, where the River Thames enters this part of the city. ... The only comparable location would be the area of Tower Bridge where the Thames leaves central London'.^A
- 9.68 It is a bad argument so far as the Lots Road site is concerned. The sub-regions in the London Plan are drawn for administrative convenience rather than topographical reasons of legibility. They are based on boundaries drawn for other purposes and are meant in land-use planning terms to be 'permeable'.^B The identification of a Central London sub-region for the purposes of the London Plan is not meant to reflect a congruity with central London as normally understood (as relied on in the Vauxhall Tower inquiry). The sub-region reaches as far south as Streatham and much further west than Putney. It is massively diverse, topographically and functionally. On the south bank of the river, the boundary of the Central London sub-region is actually many miles further west,^C which illustrates the artificiality of the argument.

Conclusion on strategic policy

- 9.69 There is no support for an exceptionally tall building at this location. The site does not lie within the CAZ, an Opportunity Area, a zone for intensification or regeneration, a town centre or any other growth area. Neither is the site a transport hub. It has a PTAL of 2 and would achieve only 3 by 2012.
- 9.70 The site's position on a sweeping curve of the Thames makes it visually prominent and sensitive to impacts on the Thames – an argument **against** inappropriate and inaccurate marking of its importance. Functionally, the site is, in comparative terms within London, not important enough to require signalling with two of the capital's tallest buildings.

London Plan Policy 4B.8^D

- 9.71 Policy 4B.8 was variously relied upon by the proponents of the scheme as an important generalised and unconditional relaxation of policy on the location of tall buildings and as a London-wide acceptance or promotion of the suitability of tall buildings.^E It is, of course, neither of these things.

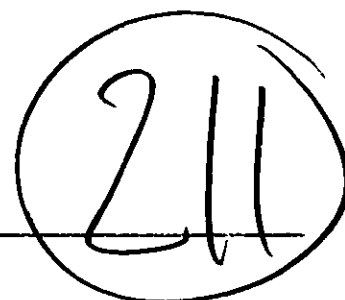
^A Document A/13 – the Inspector's report at para. 6.12.

^B Document CD174 – para. 5.3.

^C Document CD174 – Map 5B.1 (p.227).

^D Document CD174 – p.173.

^E See, for example, Document A/RT/P at para. 2.55.



- 9.72 The first part of the policy gives no specific locational advice at all. It provides that the Mayor will promote tall buildings – but only in a series of generalised circumstances and where ‘they are also acceptable in terms of design and impact on their surroundings’. This is ground-breaking policy. It is consistent with the general position advanced through the EH/CABE guidance and with the previous LPAC advice on tall buildings, which was adopted by government.^A The policy deliberately does **not** represent a generalised promotion of all tall buildings. Moreover, all tall buildings fall to be judged on their merits against Policies 4B.1, 4B.3 and 4B.9 – and, of course, other relevant policies of the Plan.
- 9.73 When judged against these specific policy tests, the proposal fails on its merits. In particular, if the case advanced by RBKC is accepted the towers will be found:
- to provide a landmark in the wrong location and in a way which unacceptably harms the surroundings (contrary to 4B.8),
 - to fail to be suited to their wider context in terms of proportion and composition and in terms of relationship to other buildings and the river (contrary to 4B.9),
 - to fail the test of being attractive city elements when viewed from all aspects (contrary to 4B.1 and 4B.9) and
 - to fail to provide a development compatible with its local context (contrary to 4B.3).
- 9.74 This failure of policy on the case advanced by RBKC is clear and unambiguous and can be identified without, at this stage, any reference at all to UDP policies. As all parties’ witnesses clearly and unambiguously agreed, breaches of policies of this nature go to the heart of the case. If RBKC’s case is accepted, a refusal must follow.
- 9.75 The policy only begins to turn to specific locations in its second part. What it says about such locations is not helpful to supporters of this proposal. It provides that ‘the Mayor will work with boroughs and the strategic partners to help identify suitable locations for tall buildings that should be included in UDPs and SRDFs. These may include parts of the CAZ and some Opportunity Areas’. But the site is not identified as suitable within the UDP; nor has it even been considered appropriate to identify it within a draft of any SRDF; nor is in the CAZ; nor has it ever been in an Opportunity Area.
- 9.76 The third part of the policy identifies the potential for boroughs to identify within their UDPs areas of specific character that could be sensitive to tall buildings. Specific guidance is given on how such areas of specific character are to be identified and explained. In particular, boroughs are told that they should clearly explain what aspects of local character could be affected by tall buildings and why.
- 9.77 Proponents of the scheme argued that since the RBKC UDP pre-dated this provision, and since its policies could not and did not have regard to the contents and requirements of the London Plan, then no weight could be given to any UDP policy identifying an area where tall buildings would not be allowed. In these circumstances, they argued that the London-wide presumption in favour of tall buildings therefore applied to the site.
- 9.78 The true position is this. There is no London-wide ‘default’ promotion of tall buildings at all locations. The London Plan admits of the potential for areas of the capital to be sensitive to the impact of tall buildings and it is clear that, in such areas, the Plan itself accepts that tall buildings would be inappropriate and unacceptable.

^A Document CD185, para. 4.1.

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- 9.79 The advice to identify areas not suitable for tall buildings through UDPs is not new. It is advice given in terms by Government in November 1999.[^] It simply cannot be that, in all areas where presumptions against tall buildings in UDPs whose adoption predates the London Plan, there is now an 'open season' for tall buildings unless and until new urban design policies are in place to reconfirm the restrictions.
- 9.80 The acceptability or unacceptability of tall buildings in a particular location will anyway be determined, at least in part, through a consideration of the criteria in Policies 4B.8, 4B.1, 4B.3 and 4B.9. If a proposal clearly fails when judged against these policies, consent can and should be withheld, even without reference to specific UDP restrictions.
- 9.81 The weight to be given to a UDP provision restricting tall buildings will be judged in the context of each case. Where a townscape analysis of a proposal is undertaken during the consideration of a case and discloses harm to the surrounding area by reason of height, there will, consistent with the aims and objectives of the London Plan, be good reason both to refuse consent on the basis of the 4B policies and to give the restriction in the adopted UDP significant weight, notwithstanding that it pre-dates the London Plan.

Conclusion on Policy 4B.8

- 9.82 Policy 4B.8 is **not** a generalised policy of promotion of tall buildings. Policy 4B.8 does **not** contain any specific advice on locations of tall buildings in London at all beyond the identification of the CAZ and some Opportunity Areas as potential sites. Policy 4B.8 does **not** create a presumption in favour of tall buildings throughout London unless and until UDPs indicate otherwise.

London Plan Policy 4C.20

- 9.83 Policy 4C.20 is a design policy that is directly applicable to the appeal proposals. It is applicable in addition to policies 4B.8, 4B.1, 4B.3 and 4B.9. It is a policy which governs development, including tall buildings, on the river. Its terms are different from those which apply other than on the Thames. In particular, there has been a specific choice to require waterside development to 'reflect' local character – a test that does not apply away from the water. This is a deliberate policy position reflecting the different land use planning principles that apply on the river.
- 9.84 In particular, all development, including intensive or tall building, is required to 'reflect local character' and, if providing landmark development, to do so in ways which 'provide orientation points and pleasing views without causing undue harm to the cohesiveness of the water's edge'.
- 9.85 The proposals fail to meet the requirements of this policy. In particular, the two towers do not begin to 'reflect' local character. They are, in terms of height, impact on the river, impact upon the existing landmarks, materials and finishes and general disposition, reflective of nothing which exists in the general location. Of course, use of the term 'reflect local character' in a land-use planning document does not require slavish replication of the existing pattern of development. But it cannot be argued that the two tall towers in these proposals reflect the local character of the area. And the failure to do so is a harmful departure from local character. This part of the policy is breached.
- 9.86 Further, from many of the downstream views, the proposals would tower above the Wandsworth bank of the Thames in a visually confusing and disorientating manner.

[^] Document CD185 – paras. 2.3 and 4.2.

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They would give inaccurate signs about the site's location on the river in a way which the power station, which provides appropriate visual punctuation and orientation, does not. This part of the policy is also breached.

- 9.87 From upstream, the views of the towers appear lumpen and out of place. The views are not pleasing, as required by the specific waterside policy. Accordingly, this aspect of the proposals also fails the relevant policy test.
- 9.88 The requirement for landmark buildings not to cause undue harm to the cohesiveness of the water's edge requires further consideration.
- 9.89 The concept of visual cohesiveness on the river's edge was introduced in the Thames Strategy.^A Its design guidelines proposed that 'disruptive building silhouettes should be avoided as they destroy visual cohesion'. Coincidentally, a photograph of the Lots Road site, of all sites on the Thames, is relied upon as exactly the type of area where the visual cohesion of the river is important. The adoption of a test on harm to the cohesiveness of the water's edge is a very important material consideration – and one that cannot merely be set aside or ignored. On any view of the evidence, there would be a significant impact upon the visual cohesion of the Thames in the location of the development. The tall towers in particular will deliberately punch through the general level of building height and mass along the river to such an extent as to mean that there will be no cohesive approach to the water's edge here. The harms that flow from this are documented above. This important element of the policy is thus breached.

The RBKC UDP^B

- 9.90 The adopted UDP contains a locationally specific policy which, on any interpretation, applies to the application site. It 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'.^C The proposed towers are self-evidently higher than this.
- 9.91 Policy CD6 is clearly breached. And it must be clear that, if any weight is to be given to the policy, the application is likely to fail. The place of CD6 in the decision making process must therefore be clearly understood.
- 9.92 So too must the case advanced by RBKC. It is to the effect that the proposals are unacceptable when judged from first principles and that they fail when judged against any sensible policy matrix, including that set by the London Plan. This is so even if no weight is given to CD6. Thus, while Circadian is forced to argue that CD6 should be given no weight if it is to have any prospect of success, RBKC does not in any way rely upon weight being given to CD6.
- 9.93 Nevertheless, RBKC's position is that significant weight should be given to CD6. It contains a judgment about the sensitivity to tall buildings of the area in which the application site sits which is consistent with every piece of published urban analysis undertaken to date and which has never previously been called into question. It is consistent with a proper consideration of the merits of the proposal and the aims and

^A Document CD284.

^B Document CD199.

^C Document CD199 – Policy CD6, p.56.

objectives of the London Plan. And there has been an entirely consistent line of judgments on the lack of suitability for tall buildings of the area in which the site lies.

- 9.94 Both the Thames Strategy 1999^A and the LPAC Guidance^B indicated that due to the 'predominantly small scale and residential nature of adjoining areas', opportunities for high buildings for the entire stretch between Putney and Vauxhall Bridge were 'very limited'. The LBHF UDP specifically identifies its riverside sites as not normally appropriate for tall buildings.^C That is supplemented by the Sands End Conservation Area Profile,^D which says that new buildings should not compete with existing landmark features and that new development should form a transition between the existing low and high development, the latter of which should be seen as an exception.
- 9.95 The Thames Strategy Kew to Chelsea^E deserves special consideration. It specifically identifies the impacts of the Somerset Estate, Montevetro and the World's End estate as intrusive in relation to the setting, skyline and backdrop of the historical waterfront at Chelsea – exactly the tall buildings relied upon by Circadian as setting the tone for the proposed very tall towers. It contains a policy recommendation that there be a consideration of the possible replacement of the high-rise buildings specifically identified as intrusive to this stretch of the waterfront. The prospect of these buildings being removed or of the adoption of the policy recommendation by the relevant authorities is, of course, irrelevant to the clear judgment made that this stretch of the Thames is sensitive to the impact of tall buildings and has been harmed by existing tall and intrusive buildings. That judgment is entirely consistent with the aims and objectives underlying CD6. If the height of these identified buildings is intrusive in relation to the setting, skyline and backdrop of the historic waterfronts, then it is inconceivable that the proposed towers would not also impact harmfully.
- 9.96 These conclusions are particularly notable for it is elsewhere in this document that the promoters of the proposals allege that they find positive policy support for the existence of a tall building on the site. It was suggested that, because the site was identified as within a 'development and regeneration hub or focal point', then it was appropriate as a location for a tall building. This is a poor point.^F If the advice in this 'strategy' is to be relied upon as weighty, it can only be if relied upon as a whole.

The Development Brief

- 9.97 The Development Brief^G should not be set aside lightly. It was the subject of substantial consultation (including with the developer, who welcomed it in concept) and has been

^A Document CD284.

^B Document CD185.

^C Document CD222 – para. 4.92.

^D Document CD225 – paras. 6.12 and 6.15.

^E Document CD226.

^F Document CD226 – Policy Recommendation SD5 (p.3.104) says that UDPs should highlight 'development and activity hubs as the preferred location for landmark and high buildings, subject to environmental considerations and impact on the local area and strategic and local views. So each 'hub' falls to be considered on its own merits, in the context of the local area, as a potential tall building location. Given that the area around the site has been identified as sensitive to the intrusive impact of tall buildings, and that there is a policy ideal to seek the potential replacement of existing tall buildings because of their intrusiveness, it is hardly likely that this is one of those hubs that could rationally be identified as a preferred tall building location.

^G Document CD206 – Whether it is a Development Brief or SPG is a sterile debate. Both PPG12 and the former Local Plan welcome the preparation of development briefs. PPG12 calls a development brief a form of SPG. This document was produced in accordance with the guidance in PPG12. It was prepared to be supplementary to the previously adopted plan but has been incorporated in terms in the UDP – see p.366 of Document CD199.

incorporated by reference into the UDP. It is consistent with the UDP policies that are relevant to the determination of this appeal. Its overall approach to redevelopment is internally consistent and makes very good planning sense. Again, however, although Circadian is required to argue that it should be given no significant weight, RBKC's case does not necessarily depend upon it.

- 9.98 The main relevance of the document is that it was clearly informed by a detailed consideration of the opportunities and constraints offered by the site in urban design terms.^A The upshot of this was, yet again, a conclusion that the site was not appropriate for tall buildings, particularly of the height proposed.^B Moreover, a judgment was made that the wider harmful impact of the power station building on the ability to integrate the site with its hinterland was such as to outweigh its townscape benefits as a landmark.
- 9.99 Even so, the judgment was made that, if the power station were kept, it would form 'the dominant landmark on the site to which all other new buildings should be subordinate in height.'^C The brief is not internally inconsistent; it offers guidance in the event that the power station is to be demolished and alternative guidance in the event that it is to be retained. If it is to be kept, the guidance is that the power station's landmark status should be maintained and other buildings should be subordinate. The proposals do not do this and are thus harmful.

Consistency with the London Plan

- 9.100 The London Plan recognises that there will be parts of the capital which, as a matter of fact and judgment, are inappropriate for tall buildings. It also accepts that such areas can and should, in principle, be protected from the impacts of tall buildings. If the conclusion is reached that the area around this site is one that, as a matter of fact and judgment, is sensitive to the impact of tall buildings in principle, then it would clearly be right to give weight to Policy CD6 and its prohibition of buildings higher than the general level of existing buildings in the vicinity.
- 9.101 Policy CD6 can, in these circumstances, legitimately be seen as of continuing relevance. Appropriate weight should be given to the site-specific guidance it gives. The fact that it is of some age does not necessarily rob it of all relevance. The fact that contemporary analysis confirms and underpins the aims and objectives of a policy is not merely coincidence; it is also reason to give continuing weight to the policy.

Conclusion on the RBKC UDP

- 9.102 Policy CD6 identifies an in-principle opposition to tall buildings at the appeal site. To claim that it is now robbed of any significant weight is to bring the development plan process into disrepute, particularly when there is otherwise not one scintilla of policy support for a tall building at this location in principle. Moreover, the continuing relevance of the presumption against tall buildings is capable of being validated by the urban design analysis undertaken for this inquiry. If, having regard to the evidence the site is found to be sensitive in principle to tall buildings, that will be a good reason for investing CD6 with significant weight.
- 9.103 Of course, irrespective of his conclusion on CD6, if the Secretary of State were to take the view that these proposed buildings, of this height and configuration, are not

^A Document CD206 – paras. 1.7 *et seq.*, 2.10 *et seq.* and 2.24 *et seq.*

^B Document CD206 – paras. 2.31/32.

^C Document CD206 – paras. 2.32.

warranted by the functional importance of the location and/or significantly harmful to interests of acknowledged importance such as the river, then he will refuse consent.

Other material considerations

Benefits of the scheme

- 9.104 The scheme brings many benefits – but their place in the decision making process must be considered with great care. The existence of benefits is not always an answer to legitimate concerns about a development. All relevant witnesses for the proponents of the scheme accepted that, if the proposal brings significant harms of the nature identified by RBKC, then the proposals should be refused notwithstanding their benefits.
- 9.105 The main reason that the benefits of the scheme cannot outweigh the significant harms identified is that those benefits are not capable of being achieved solely and exclusively through the scheme with the two proposed towers. Thus:
- it is no part of the appellant's case that an appropriate number and mix of housing or affordable housing units on the site is dependant upon the tower elements of the proposal;
 - it is accepted that an appropriate density can be achieved on the site without the towers;
 - it is accepted that appropriate levels of open space, nature mitigation and landscaping could be achieved without the tower elements;
 - the permeability of the site to the hinterland from the river does not need the towers;
 - the overall regeneration and redevelopment of the site is not and is not said to be dependent upon the towers – a delay in the site's regeneration is no good reason to inflict significant harm upon the area by reason of inappropriate development, and
 - no case on the need for the towers based upon economic viability is made on behalf of the appellant.
- 9.106 The existence of a fallback was advanced in the proofs of evidence on behalf of the appellant. It was said that another benefit of the proposal was that the grant of consent for this scheme would avoid the construction of a previously approved scheme on the LBHF site (Chelsea Harbour phase 2). However, all relevant witnesses accepted that, if there was significant harm caused by these proposals, they should fail, notwithstanding that the extant permission for an inferior scheme on the LBHF could be implemented.
- 9.107 The fallback is, in any event, a material consideration only if there is a reasonable prospect of it coming about. Even then, the weight to be given to it is entirely a matter for the decision maker. In this case, there is little or no prospect of the fallback coming about. The fallback consent has been extant for many years but, for market and other reasons, Circadian has drawn up a comprehensive scheme of development which is both different and distinct. Circadian is described as an enlightened developer. There can be no doubt that a refusal will be read, understood and reacted to accordingly. Thus, if the towers are found unacceptable but much of the balance of the scheme is to be applauded and supported, it is unthinkable that Circadian would simply revert to a position it has previously abandoned.
- 9.108 If, contrary to these submissions, there is thought to be a reasonable prospect of the fallback coming about, it must be remembered that it relates only to the LBHF site. It is a development which, as recently as 2003, was confirmed as appropriate in townscape terms to its location. There is no reason why an appropriate redevelopment of the RBKC

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site, involving the re-use of the power station, could not come forward separately to the fallback scheme. Nor is there good reason why, as part of that development, appropriate links such as bridges could not be constructed across the creek. The potential prospect of this form of development as a fallback is no good reason for inflicting the significant harm of the inappropriate towers upon the area.

The position of LBHF

- 9.109 In September 2002, officers were able to conclude in respect of a previous application that the height of the proposed towers had not been satisfactorily justified in townscape terms on a site sensitive to the impact of tall buildings, that the towers would confuse and spoil the composition and elegant silhouette of the grade II* listed Albert Bridge, that they would crowd the power station and that, further west, where they would merge in mass and form, they would have a detrimental visual impact on this part of the riverside.^A These are fundamental harms, all of which led (as they should have) to a resolution to refuse consent.
- 9.110 There has been no fundamental alteration of the scheme relevant to these issues. The switching of the towers does not rationally alter the concerns at all. All, therefore, remain – and are entirely consistent with the case advanced by RBKC.
- 9.111 In the report to committee which led to the LBHF resolution to grant consent, officers restated these concerns as being still generally applicable. In these circumstances, the resolution to grant consent is surely inexplicable. In truth, these key concerns, all of which stem from the overall height, shape and position of the towers, have not been addressed at all by the present proposals. Accordingly, the position of LBHF is not an easy one to defend and can be afforded little weight.

Overall conclusion

- 9.112 The Secretary of State has been supportive of tall buildings in the right location. The Heron Tower will stand at the heart of the north eastern City cluster, an obvious and planned place for a further tall building. The Shards of Glass will stand above one of London's busiest transport interchanges, within sight of the heart of the City's financial district in the middle of central, central London. Again, the case for a tall building was reflected in the proper planning framework for the area.
- 9.113 The Vauxhall Tower has proved to be much more at the margins of acceptability. An experienced Inspector has concluded that the importance of the area did not call to be marked by a tall tower. On balance, the Secretary of State found sufficient in the location, its relationship to central London and transport interchanges, and its identification as an Area of Opportunity to warrant such a statement.
- 9.114 But Lots Road and Chelsea Creek do not come close to being important enough to be marked with buildings of the height and type proposed. They simply do not belong here. And, perhaps because of this spatial dislocation, the buildings proposed would cause harm to the character of the Thames, this far upstream. They would not sit easily alongside an existing, much lower landmark and would be inconsistent with the scale of the Lots Road triangle and the enjoyment of Brompton Cemetery.
- 9.115 The proposals stand on the wrong side of the line of acceptability when it comes to the consideration of tall buildings. Consent should be withheld.

^A Document CD46A – pp.138-9.

10 THE JOINT CASE FOR THE CHELSEA HARBOUR RESIDENTS' ASSOCIATION, THE LOTS ROAD ACTION GROUP AND THE HAMMERSMITH AND FULHAM HISTORIC BUILDINGS GROUP

Responding to my request at the pre-inquiry meeting, the Chelsea Harbour Residents Association (CHRA), the Lots Road Action Group (LRAG) and the Hammersmith and Fulham Historic Buildings Group (HFHBG) presented a joint case. Transport and planning evidence was presented under the auspices of CHRA alone, visual impact evidence presented jointly with LRAG and conservation area evidence jointly with HFHBG. I give here the gist of the case presented jointly, drawn essentially from opening and closing submissions and elaborated upon, where appropriate, by reference to the proofs of evidence and what was said at the inquiry.

- 10.1 CHRA welcomes the principle of development of the inquiry site, the RBKC land as well as the LBHF land in Chelsea Harbour Phase 2. The regeneration of derelict land is obviously to be welcomed. Development must, however, be understood in context. The site is defined by Lots Road Power Station, one of just three power stations along the Thames in London. It is a landmark of enormous historical, cultural and social significance. Bringing the site back into useful occupation must be carried out in a sustainable way which respects the characteristics of the local environment and ensures the success of the development. Moreover, the surroundings of the site suffer poor existing services and facilities, particularly in terms of limited public transport and a distinct lack of publicly accessible open space.
- 10.2 In this context, CHRA's objections to the proposals are in terms of planning (open space, density, impact on local facilities and sunlight, daylight and overshadowing), transport (baseline public transport assessment, PTAL, local minor roads, the Lots Road/King's Road junction and parking), visual impact and impact on conservation areas.
- 10.3 The inquiry has heard from a large number of objectors. The precise nature of objections may have varied from group to group, person to person, but one feature binds them all together – a total lack of support from those members of the local community who would be most acutely affected by the proposed development and who have the best knowledge of the site. The support of LBHF and GLA must be seen in that light. The PPS1 exhortation that 'Community involvement is vitally important to planning and the achievement of sustainable development' deserves to be placed at the forefront of considerations; CHRA and others demonstrate the community putting forward its vision of the sort of place it wants to live in 'at a stage when this can make a difference'.

Planning

Open space

- 10.4 The quantity of open space to be provided by the proposed development is of central importance. The starting point must be that the site is located in an area of serious open space deficiency. It was accepted by Mr Simmonds that the LBHF UDP^A identifies the surrounding area as one of open space deficiency whilst the RBKC UDP^B identifies the Borough generally as being deficient in open space. Furthermore, LBHF UDP Policy EN23 requires the development to provide open space beyond that required to meet the needs of the development itself, particularly where, *inter alia*, the area is identified as

^A CD222, p100, figure 4.1.

^B CD199, p281, paragraph 11.3.1.

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being deficient in open space or has the potential to enhance natural features of strategic importance, such as the riverside. The site exhibits both these characteristics. The development ought, therefore, to offer open space additional to meeting the demand created by the development itself. Sir Terry Farrell acknowledged that the development would be expected to attract people who were not resident there so it is reasonable to expect the development and its open space to have to cope with considerable pressure beyond that created by the development itself. This is clearly relevant in considering whether the quantum of open space proposed would really be suitable for this location.

- 10.5 It would not be. In fact, the development would actually remove one area of publicly accessible open space that currently exists, namely the grassed area surrounding the avenue of trees subject to a tree protection order, behind what would be Building HF5.^A While there are no standards set at a national level^B for the amount of publicly accessible open space that should be provided in new developments, CHRA submits that the level provided by the proposed development is seriously deficient. There is a fundamental difference between the approach used by Circadian and that advocated by CHRA. Whichever method is used, the result is the same – insufficient open space is proposed to serve the needs of either the development or the wider area around.
- 10.6 The difference between CHRA and Circadian – and the flaw in Circadian's method – lies in the inclusion of all areas of unbuilt space as open space. Rather than include only those areas with a demonstrable amenity value, Circadian has included any area within the site boundaries which is not actually being used as the location for a building.^C This means that circulation space and 'space left over after planning' (SLOAP) is incorporated into Circadian's assessment. That is entirely misleading. There are several areas within the site boundaries whose sole function is to act as routes between buildings or means of access to the site. Equally, there are several small areas of land which have not been built upon but which are, individually, so small as to have no practical value to residents or users. Cumulatively, they constitute a significant proportion of the areas which have been included as open space in the Circadian assessment. It is disingenuous to suggest that both these sorts of area should be considered as publicly accessible open space with amenity value for local residents. They have no specific value and there is no good reason for including them in the quantum of open space. Indeed, their inclusion bears testament to the exceptionally low level of provision of true open space with real value.
- 10.7 Equally, the inclusion of the internal power station street increases unrealistically the amount of open space provided by the development. It is essentially circulation space between the various commercial uses on the ground floor of the building. Whether it would achieve its aim of mirroring stylish continental arcades is a moot point. What is clear, however, is that it has no intrinsic value as publicly accessible open space for those who would be expected to use this development. As such, it should be discounted.
- 10.8 The much more robust method borne out by national policy^D is to discount these areas. This is the approach that has been followed not only by CHRA but also by LBHF in calculating the quantum of open space provided on the LBHF site. Doing so provides a realistic estimate of the amount of open space that would be available to and of real value

^A Document CD1 – the plan at p.12 identifies Building HF5 and shows the avenue of trees within the gardens of that building.

^B Document CD133 (PPG17) – para. 6.

^C Document CD11 – see the Open Space Maps at Appendix 3.

^D Document CD133 (PPG17) – in the Annex.

to those who would be expected to use the site – 0.82ha^A rather than the 1.72ha estimated by Circadian.^B What is proposed fails to comply with LBHF UDP Standard S5A.

- 10.9 It is not just the quantum of open space that is deficient; the quality is also extremely questionable. It was accepted that, for open space upon which it would be possible to engage in recreational play or ball games, it would be necessary for residents to look elsewhere – involving a walk of considerably over 1km across the river to Battersea Park. Instead, what would be provided on the site would be ‘passive’ open space, suitable at most for a gentle stroll or a sandwich and a coffee – hardly appropriate for the 322 children up to the age of sixteen who would live in the development.^C Indeed, the only open space for such children would be the 0.03ha of playspace provided on the LBHF site, which would be aimed primarily at children in the 2-8 years age bracket.^D Moreover, LBHF accepted that its assessment of this area has not taken into account either children resident on the RBKC site who would use it or those who would come from elsewhere.
- 10.10 Thus, there would be a serious shortfall in the amount of open space provided within the development. That is clearly in breach of LBHF UDP Policy EN23 and itself warrants refusal of the proposals. The consequences of the shortfall may not lightly be dismissed. An area already characterised by existing open space deficiencies would face increased and unacceptable pressure on its facilities from a development that would fail to provide for its own needs.

Density

- 10.11 The first question is how to calculate the site area. CHRA believes that Circadian’s approach is flawed because it includes the area covered by the creek, thus wrongly increasing the site area and decreasing the calculated density of the proposed development. Circadian and the Mayor are the only parties to include the creek in the calculation of the density. LBHF does not think it should be included.^E And cross-examination on behalf of RBKC suggested that, contrary to the impression given by the Planning Statement of Common Ground, it too excludes it.
- 10.12 The reason for excluding it is clear from the London Plan and PPG3. Table 4B.1 in the former ‘sets a strategic framework for appropriate densities at different locations’^F which ‘should be based on net residential area, which includes internal roads and ancillary open spaces (see also Annex C of PPG3)’. Annex C^G relies on the approach towards ‘net site density’ set out in DETR guidance in *The Use of Density in Urban Planning* (1998) and includes ‘only those areas which will be developed for housing and directly associated uses’. It includes access roads within the site, private garden space, car parking areas, incidental open space and landscaping and children’s play areas (where these are to be provided). It specifically excludes major distributor roads, primary schools, open spaces serving a wider area and significant landscape buffer strips. Moreover, ‘unlike gross, neighbourhood and town/district densities, the density assumption used does not need to

^A Document CH3 – revised Table 7.5.

^B Document CD11 – sum of the figures for publicly accessible open space provided in Annex 3.

^C Document CD54 – p.10-6, Table 10.5.

^D Document CD54 – p.5-19, para. 5.98.

^E Document CD11 – p.2, paras. 7.16-18.

^F Document CD174 – p.176-8 – the quotations are from paras. 4.45 and 4.48.

^G Document CD124 – Annex C, Net housing development, p.28.

reflect the inclusion of non-residential uses, but is solely based on the form of housing development envisaged'.

- 10.13 If the density matrix in Table 4B.1 of the London Plan is to be used, it is axiomatic that the approach to calculating site area set out in that document must also be used. On a correct reading, the creek should be excluded from the site area and the density of the proposed development will thus be increased.
- 10.14 Accordingly, the correct density figures are those set out by CHRA – an overall density figure of 709 habitable rooms per hectare (hr/ha), 818hrha on the RBKC site and 629hrha on the LBHF site.^A In terms of Table 4B.1, this places the development in the highest density category, suitable for sites within ten minutes walking distance of a town centre, a central setting, a PTAL score of 4-6, low levels of parking provision and flats being the predominant housing type. But the highest PTAL score that can realistically be achieved by the development is a high 3. Even Circadian's highest estimation is borderline 3-4. This, combined with the urban characteristics of the site^B clearly points far away from a density level in the highest category of Table 4B.1. Instead, it points towards density ranges of 200-300hr/ha or 300-450hr/ha, characteristic of urban locations with PTAL scores of 2-3.
- 10.15 Notwithstanding the primacy of the London Plan, it should be noted that the proposed density is far above the recommended levels in either of the adopted UDPs. Policy H12 in the RBKC UDP resists housing at 'very high' densities except where necessary for townscape reasons to comply with the policies of the Conservation and Development Chapter.^C 'Very high' density development is defined as that above 350hr/ha. The proposed density levels are clearly far above this limit and so would have to be justified by townscape reasons. For all the reasons advanced by RBKC in its evidence and cross-examination, which CHRA adopts and endorses, such townscape reasons do not exist.
- 10.16 LBHF UDP Policy HO7 requires that density levels comply with the limits in standard S2, namely an upper limit of 247hr/ha.^D Where that is not possible, higher densities will be permitted only if all of five criteria are met –
- the design and layout of the scheme is such that it can make more efficient use of land without compromising environmental quality,
 - the scheme would not be deficient in open space provision to meet the needs of residents and would not lead to a deficiency in open space provision for the area as a whole,
 - existing services and facilities would have sufficient spare capacity to accommodate the increased demands placed upon them,
 - there would be no increase in on-street parking demand and
 - in relation to the scale of the proposed development, there would be convenient existing or proposed access to and from the site by a range of transport modes including public transport, walking and cycling.

^A Document CH1 – p.10, para 2.10 and table 2.2.

^B Mr Harris, during his cross-examination of Mr Wilson of GLA, indicated that RBKC was intending to appeal against its classification as 'central' in the draft SPG on 'Housing Provision', dated December 2004, produced to supplement the housing policies of the London Plan (Document CD192). LBHF is defined in that document as 'urban'. The weight to be given to the document is obviously extremely limited given its status as *draft* SPG. In addition, both Sir Terry Farrell and Professor Tavernor accepted in cross-examination that the site was not in the centre of London.

^C Document CD199 – p.113.

^D Document CD222 – pp.108 and 332.

None of these requirements is satisfied and, as a result, the proposed development fails to comply with the density requirements of the LBHF UDP.

- 10.17 While acknowledging the role of the London Plan in the planning process, the failure of the proposal to comply with both UDPs regarding density is clearly highly relevant. The density level in Table 4B.1 that CHRA contends should be used as a benchmark is, in approximate terms, at the same level as that of both UDPs. This is no coincidence. It reflects the responsiveness of the matrix to the reality of the environment in which the development is to take place. In other words, it reflects reality on the ground. The proposed density of development does not.
- 10.18 Of course, the fact that development would be at a particularly high density need not, on its own, be determinative of its acceptability in planning terms. What matters, in particular, is the effect of that high density on the amenity of those living in its shadow. And that is clear from what is said above and below on open space, facilities, visual impact and transport. It is evident that the impact of development of the proposed density on these aspects of local life would be nothing short of disastrous. The local area and its infrastructure would simply be unable to support it. For this reason, the proposals should be refused.

Impact on local facilities

- 10.19 The impact of the development on local facilities would be particularly serious. Aside from the significance of the matter on its own account, it also affects the assessment of the acceptability of the proposals' very high housing density.
- 10.20 CHRA has provided an analysis of local facilities, detailing community, healthcare, leisure, retail, open space, educational and restaurant and pub uses.^A This demonstrates the paucity of provision of facilities for the local population. The situation will not improve with the present proposals. Indeed, given the lack of provision for young people within the site (a community centre and a teenage shelter do not constitute adequate facilities to cater for the needs of 322 children up to the age of 16), pressure on provision for certain sectors of the local population can be expected to be particularly severe. An existing unsatisfactory state of affairs will be made worse.
- 10.21 In terms of retail and social facilities, the area is particularly poorly served. The few existing corner shops and mini-markets are inadequate to serve the needs of the present population, let alone the high numbers associated with the proposed development. Supermarkets are all some distance away. Similarly, there are few restaurants in the area and only two pubs in the near vicinity.^B
- 10.22 This, in turn, will have added implications for the transport infrastructure, with people needing to access the various modes of transport in order to travel to facilities elsewhere. That applies to all sectors of the local population. Whether for a game of football or a swift libation, the facilities in the area fall far short of those that would be expected in order to service a development of this kind. The proposals should therefore be refused.

^A Document CH1 – Appendix 1.

^B Document A/HW/A – Appendix HW-6 – the Chelsea Ram and the Lots Road Pub and Dining Room are both three minutes from the site; other pubs in the area are at least nine minutes away on foot.

Sunlight, daylight and overshadowing

- 10.23 The proposed development would cause serious loss of sunlight and daylight, and also unacceptable overshadowing, for certain properties in the vicinity. Significant loss of daylight for properties close to the proposed development has been recorded in both Vertical Sky Component (VSC) and Average Daylight Factor (ADF) measurements. Mr Ingram accepts that as many as 117 windows out of a total of 676 surveyed would have VSC levels poorer than recommended in the British Research Establishment's (BRE) guidelines.^A More specifically, 34 out of 95 windows in Admiral Square, 54 out of 194 in the Quadrangle and twelve in Lots Road would experience levels of daylight below the recommended levels in the BRE guidelines.
- 10.24 By any measure, a significant proportion of the windows in neighbouring properties would suffer a noticeable and material loss of daylight. While Mr Ingram preferred ADF figures to VSC methods, even on ADF analysis the development would cause significant interference with daylight levels in some rooms in neighbouring properties.^B Thus, there is no escaping the fact of the very significant impact that the development would have on neighbouring properties' daylight levels. It is unacceptable and constitutes a valid reason for refusal of the proposals.
- 10.25 As far as sunlight is concerned, the figures again speak for themselves. No less than 41 windows would fall below the acceptable level set out in the BRE guidelines for winter sunlight levels, 22 below the acceptable level for annual sunlight levels.
- 10.26 Equally, neighbouring properties would not escape overshadowing. The evidence is clear that the properties in Chelsea Harbour would suffer from transient overshadowing at different times of the day.^C And there is also the impact on surrounding properties of solar glare, from which properties on Thames Avenue would suffer. Mr Ingram's assessment that solar glare at the four positions analysed would be blocked by the intervening obstructions of surrounding houses indicates clearly that, were such glare to occur, the houses would bear the brunt of it instead of road users.^D This is hardly a satisfactory alternative.
- 10.27 In policy terms, regard must be had to Standard S3 in the LBHF UDP^E and paragraphs 12.17 and 12.18 of the explanatory text. All new development should be arranged to ensure such penetration of daylight and sunlight as is necessary to provide adequate natural lighting conditions in all living and working space, and also in gardens and amenity spaces. RBKC UDP Policy CD33^F resists development which significantly reduces sunlight or daylight enjoyed by existing adjoining buildings and amenity spaces. There is no minimum threshold for the application of the policy; it is enough that one adjoining dwelling faces such problems.
- 10.28 For all these reasons, the impacts of the proposed development in terms of daylight, sunlight, overshadowing and solar glare are sufficiently serious and substantial to justify refusal of the proposals.

^A Document CD54 – p.20-6, table 20.3.

^B Document CD54 – p.20-7, paras. 20.78-20.79 – nine out of 626 rooms surveyed would have ADF levels below those recommended by the BRE Guidelines.

^C Document A/GI/P – para. 4.3.12.

^D Document CD54 – p.20-9, para. 20.110.

^E Document CD222 – p.333.

^F Document CD199 – p.70.

Transport

- 10.29 While there has been a significant amount of professional evidence, it is important not to lose sight of the evidence from individuals currently living with the reality of the poor transport infrastructure which characterises the area. Time and time again, local objectors have drawn attention to the same shortcomings and failings in the transport infrastructure in this part of London. This is no coincidence. It reflects a situation with which existing residents must cope and which would be exacerbated by the proposals. Despite the concessions by CHRA's witness, it is important to weigh in the balance the evidence from all these various witnesses and decide whether transport shortcomings constitute a valid reason to refuse the proposals.
- 10.30 Before turning to the individual aspects, it should be noted that there can be no serious argument about the current transport characteristics of the site. The area is characterised by poor public transport facilities and a congested road infrastructure. It has been accepted that the site currently has a PTAL level of 2.^A This is characterised as 'poor' in the Environmental Statement (ES).^B The nearest underground station, Fulham Broadway, is 14 minutes walk away^C (using an average walking speed of 80m/min) and is served only by the Wimbledon branch of the District Line. The nearest mainline railway station is at West Brompton and gives access only to the West London Line (WLL), travelling between Clapham Junction and Willesden Junction. Although some buses pass relatively near-by, those on Fulham Road and Battersea Bridge are outside the maximum walking distances used in the PTAL assessment. In terms of the vehicular characteristics of the site, the surrounding roads suffer congestion throughout the day and not just at peak hours.^D Such congested roads are hardly likely to entice pedestrians and cyclists. In any event, the attractions of Central London are too far away to be reached by bicycle or on foot. It is against this backdrop that the transport analysis undertaken on behalf of Circadian and the improvements proposed must fall to be assessed.

Baseline public transport assessment

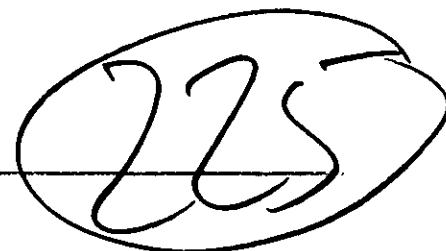
- 10.31 It is not in dispute that the baseline assessment of public transport capacity in the ES takes no account of non-vehicle trips generated by the committed developments at 552 King's Road and Imperial Wharf or the likely development of the proposed Chelsea Academy. Nor does it take account of the proposed western extension of the congestion charging zone. As such, the likely effect of the proposed development on the public transport infrastructure cannot be properly assessed. This means that it is impossible to predict with any degree of certainty whether there will be sufficient capacity on the local public transport infrastructure to cope with the proposed development. Assessments of existing capacity are not accurate because they do not take into account reductions in available capacity because of what is likely to happen and committed to happening. The ES is accordingly defective.
- 10.32 In contrast, vehicle trips from committed and likely development have been fully taken into account in assessing the baseline for vehicle trips generated by the development. No explanation has been offered for this difference in approach. None can satisfactorily explain such an omission. The ES notes that the development at Imperial Wharf and 552 King's Road is committed and that Chelsea Academy and western extension to the

^A Document A/HW/P – p.26, para. 2.37.

^B Document CD54 – pp.16-18, table 16.7.

^C Document CD70 – Appendix H11, p2.

^D Document HF1 – para. 10.08.



congestion charging zone are likely.^A Consequently, they have been taken into account in the baseline assessments of vehicle trip generation. However, if the assessment of their combined impact is considered to be required for vehicle trips, then the same must be true for non-vehicle trips. In setting the baseline against which to assess proposed development, all modes of transport must be treated equally. It is inconsistent in the extreme to argue that they are required to be assessed for one mode of transport but not for another. If these developments alter the baseline situation in such a way that the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 require them to be taken into account for the assessment of vehicle trips generated by the development, then the same must be true for non-vehicle trips.

- 10.33 It was suggested that the proposed development at Lots Road should not be expected to 'wash the face' of other committed or proposed developments. However, this analogy misses the point. Without any assessment of the effect on the baseline figures of the non-vehicle trip generation of committed and likely development, it is impossible to know what the available capacity of local public transport modes actually is. Hence, it is impossible to know where the assessment should start from and what the final result will be. In other words, no-one knows how much soap is available to wash the proposed development's face because no-one knows how much of that soap is being used, or will be used, by other developments.
- 10.34 The result of this failure to consider accurately the future non-vehicle trip situation is that the impact of the development on the public transport infrastructure, seen in its full future context, is uncertain. In this regard, the ES is inaccurate. The proposals should not be approved when the real impact of development on public transport, in an area already poorly-served, cannot be gauged.

PTAL

- 10.35 PTAL is a measure of the accessibility of different locations to the public transport infrastructure. The existing PTAL for the site is 2. Debate has centred on two issues – alleged shortcomings in PTAL methodology and the extent to which the public transport improvements provided for in the section 106 obligations would raise the PTAL.
- 10.36 An average walking speed is used in PTAL, creating a realistic measure that allows for people who are unable to walk particularly fast. To say that there are people who would walk further is nothing to the point – there are also those who would not (or could not) walk as far. The times and distances used reflect people's willingness to walk to different transport modes. PTAL is the sole measure of public transport accessibility used in the London Plan. Its utility derives from the methodology it uses.
- 10.37 The proposals would raise the PTAL to no higher than 3. GLA/TfL accept this, based on their own assessment.^B Only one corner of the site might be argued as reaching 4. LBHF thought a level of 4 could only be achieved with six trains/hour on the WLL at peak periods – but the Imperial Wharf station will open with just three trains/hour,^C which would not take the PTAL beyond 3. Higher frequencies are not expected to come until later^D and are dependent on outside constraints. Circadian's evidence achieved a

^A Document CD54 – paras. 16.64 and 16.65.

^B Document GLA/2/2 – paras. 5.22-23.

^C Document GLA/2/3 – para. 2.9.

^D Document GLA/2/3 – also para. 2.9 – 4 trains/hour in 2008, 6/hr in 2012; Document A/HW/P – para. 2.40 – Circadian's evidence is based on 4/hr.

level of 5 by incorporating Fulham Broadway tube station and bus services on Fulham Road and Battersea Bridge,^A all of which are beyond the maximum walking distance in PTAL methodology. Indeed, Circadian achieved a PTAL of 4 only by a combination of WLL and the river boat from Chelsea Harbour pier, both at increased frequencies, plus Fulham Broadway tube station and bus services outside the PTAL range. Without them, Mr Walker conceded that the PTAL would be a high 3 or a low 4.^B

- 10.38 In reality, the PTAL for this location cannot realistically be expected to rise above 3. This is, in the appellant's own description, the lower of the two 'average' bands.^C There is simply no basis for describing the PTAL of this location as other than poor at present; nor is there any basis for considering that it would rise to other than 'average' in the future. The site is in a location poorly served by public transport and thus not suitable for high density development. The assessment of the site's PTAL with the proposed public transport improvements is relevant because it demonstrates the ability of the proposed development to integrate with its wider city context. And the conclusion is that a public transport infrastructure which is already straining under the burden of local demand will simply be unable to cope with the impact of the proposals, notwithstanding any improvements that may be made. This must be given considerable weight in assessing the planning merits of the proposals and should lead to their rejection.

Destination of transport modes

- 10.39 Even with the improvements proposed in the section 106 obligations, the various modes of transport which serve the site are not attractive to users in terms of the destinations they offer. The proposed Embankment bus would run from Townmead Road as far as Westminster. Anyone wishing to travel further would be obliged to change and take another route to their final destination. Equally, to argue that the Embankment bus would reduce demand for the already crowded C3 service is misconceived. The two routes serve entirely different locations, the C3 travelling north to Earl's Court and the Embankment service east to Westminster. There is simply no basis for assuming that passengers currently using the C3 to get to the Earl's Court area would suddenly switch to travelling via Westminster.
- 10.40 As for the WLL, whilst attempts were made by the appellant to stress its impact on PTAL, it is not a route taking passengers anywhere near central London. On the contrary, and by definition, it serves London's periphery between Clapham Junction and Willesden Junction. It would be entirely wrong to see it as a major route to the main attractions of the capital. If residents were to use the WLL to travel to central London, they would be obliged to change mode, with all the difficulties and stresses that involves.

Impact of development traffic on local minor roads

- 10.41 Anticipated traffic flows from the proposed development are set out in the ES.^D Analysis reveals significant numbers of vehicles 'disappearing' – in fact, travelling along local minor roads such as Tadema Road, Ashburnham Road and Uverdale Road. The consequences should not be underestimated. These are narrow residential roads. They have cars parked on both sides, restricting their already limited width. They already see

^A Document A/HW/P – para. 2.46.

^B Documents A/HW/A – Appendix HW-3; see also Document CD70 – Appendix H17.

^C Document CD54 – p.16-18, table 16.7.

^D Document CD54 – pp.16-27/28/29, figs. 16.20-31.

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significant traffic, on and off peak.^A Local residents and their representatives have spoken about the detrimental impact this traffic has on their quality of life. There can be no illusions about how that would be exacerbated by the proposals. The streets would become more congested, more polluted and more unpleasant for those who have to live along them and use them. It is difficult to see how local residents' quality of life could be preserved.^B These are serious issues which should be given considerable weight in assessing the acceptability of the proposals.

The Lots Road / King's Road junction

10.42 The TRANSYT analysis of this junction was carried out by Capita Symonds on the basis of the pedestrian stage being called every other cycle.^C However, analysis carried out by Colin Buchanan and Partners (CBP) on 7 January 2005 showed that the pedestrian stage was activated on 73% of cycles in the morning peak hour, 80% in the evening peak hour.^D With an increase in local population from committed and likely developments, this frequency is only likely to increase.^E For Circadian, Mr Walker stated that renewed analysis showed the pedestrian stage being called in 58% of cycles and that TRANSYT offered a choice between the stage being called every cycle or every other cycle.

10.43 In fact, the pedestrian stage is more likely to be called every cycle. That would have the effect of reducing traffic flows through the junction because the pedestrian stage, during which vehicles may not pass through, would be called more frequently. If the cycle time were reduced to 80 seconds, instead of the present 88 seconds, that would exacerbate the situation still further.^F The overall result for the locality is clear – the increase in traffic from the proposed development would further clog up this already congested junction. Pre-existing problems on the local road network would be exacerbated. In failing properly to assess this aspect of the baseline conditions in the local area, the ES is again deficient. It does not accurately reflect the real conditions on to which the transport impact of the development must be mapped.

Car parking

10.44 Circadian's car parking assessment does not take into account the additional parking impacts associated with the proposed Chelsea Academy. It is simply not possible to know whether the road network will be able to cope with the additional impact of development parking demand when a proportion of the parking spaces that could be used are otherwise occupied by parking associated with the Chelsea Academy. The additional impact of match-day parking associated with the Chelsea Football Club stadium, Stamford Bridge, and the parking resulting from auctions taking place in local auction rooms must also be taken into account in any assessment of the impact on local roads of the development proposals. Only when such regularly occurring detrimental impacts are taken into account can a true picture of life in the vicinity of the site be painted. The

^A Document HF1 – para. 10.08.

^B Document CD130 (PPG13) – para. 1 says that this depends on 'transport and easy access to jobs, shopping, leisure facilities and services'.

^C Document CD54 – tables 16.39, 40, 51 and 52 (from Document CD70 – Appendix H23).

^D Document CH4 – paras 2.3.3-2.3.4, table 2.1.

^E Document CH4 – para. 2.3.4.

^F In evidence, Mr Cole confirmed a conversation with Claire Butler of TfL on 5/1/05, during which she indicated that TfL would review the timing of the signals at the Lots Road / King's Road junction, to consider co-ordinating them with the signals at the King's Road / Gunter Grove and King's Road / Edith Grove junctions, both of which operate on 80 second cycles.

capacity of the local infrastructure to cope with the demands placed on it cannot be gauged, making the ES again deficient.

Transport conclusions

- 10.45 Opinions tendered in cross-examination and re-examination are not, and cannot be, entirely determinative of whether transport impacts would be sufficient reason in themselves to reject the proposals. The totality of the evidence presented to the inquiry must be considered. In short, the proposed development would fail 'to integrate planning and transport at the national, regional, strategic and local level; to promote more sustainable transport choices for ... people ...; promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling, and reduce the need to travel, especially by car'.^A

Visual impact

- 10.46 The visual impact of the proposed development has been at the heart of the debate over the course of the inquiry. This is unsurprising, given the nature of the development. Two tower blocks, of 25 and 37 storeys, are proposed on the riverfront – blocking, dwarfing and ultimately overpowering the iconic landmark structure that currently dominates this part of the river landscape. But this is not the full extent of the visual problems created by the development. Of equal concern to local residents is the considerable bulk and massing of the other buildings making up the proposals. They are very large structures in their own right – five, six, eight and ten storeys high. The context into which they have to fit is the surrounding two-storey and three-storey terraced housing. The two very tall towers should not obscure that fact.
- 10.47 CHRA's main concerns are shared by RBKC. Indeed, they represent RBKC's sole reason for refusing planning permission. CHRA fully adopts and endorses the case made by RBKC. The following matters should be stressed.
- 10.48 Lots Road Power Station is an icon, an historic symbol of another age and a landmark on the Thames riverfront. Its status has not been seriously questioned by anyone appearing at the inquiry. At the moment, the power station's qualities are enhanced by its location and its dominance over the surrounding hinterland. The effect of the two proposed towers would be to create new landmarks which would not merely compete with, but would block and utterly dwarf the existing landmark.^B The result is that a considerable and distinguished heritage asset would effectively be lost in its present form. A monument to London's industrial past would be shattered by two glass towers.
- 10.49 The effect of the two towers would be exacerbated by the bulk and mass of the other buildings making up the development. Unlike the other Thameside power stations in London (Bankside and Battersea), the proposed new buildings on the site would crowd around the power station. They would deny it the space which currently endows all three power stations with a sense of grandeur and dignity.
- 10.50 In the same way as the towers would have an adverse impact on the power station, so too would their impact on the surrounding residential environment be severely detrimental. Much of Circadian's evidence concentrated on the relative 'slimness' of the towers but it was accepted by Sir Terry Farrell that the towers would present their broadest face to the

^A Document CD130 (PPG13) – para. 4.

^B Document CH7 – pp.13-15, paras. 8.4 and 8.14, with reference to Views RT1 and RT2 in Document A/RT/A.

surrounding residential streets.^A The result of imposing these broad elevations on the local community is that residents in the streets surrounding the development would be faced with an oppressive and overpowering development, totally out of keeping with the prevailing urban texture. There has been a distinct lack of focus on the impact on these views, the debate having focused instead on the more distant river views. But views from the local residential area are equally important since they demonstrate the impact on those who would have to live in the shadow of the development. One need only look at the view along Burnaby Street to World's End to gauge the impact the proposed towers would have.^B That impact would not be lessened merely by the towers being almost wholly glazed – the glass faces would be frontages for cellular rooms and would necessarily block the light.

10.51 CHRA has never at any stage advocated the demolition of the power station.^C The Lots Road Planning Brief^D addresses the alternatives of demolition and retention but CHRA would not have supported plans to knock down the power station.

10.52 The importance of the visual impact of the development on the surrounding area is a key element in assessing the acceptability of the proposals. Equally, design and layout are of crucial importance to the integration of local communities with the development they are expected to live with.^E For all these reasons, together with those set out more fully in the evidence and submissions of RBKC, CHRA urges rejection of the proposals.

Conservation areas

10.53 Following amendments to its boundaries, the proposed development would take place partially within the Sands End Conservation Area.^F It will be clearly seen from within that Conservation Area. As such, the development is subject to the statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. The special characteristics of the Conservation Area are also recognised in local policy. LBHF UDP Policy EN2B states that development (including development outside conservation areas) will only be permitted if the character or appearance of the conservation areas in terms of their setting and views into or out of them is preserved or enhanced.^G

10.54 The Thames Strategy – Kew to Chelsea^H lists a series of important views and prospects, including:

- the view of the Belvedere Tower, Chelsea Harbour, from the river and the opposite bank;
- Lots Road Power Station from the river and St Mary's Church, Battersea;
- the view from Wandsworth Bridge downstream to the Battersea Railway Bridge, Chelsea Harbour and Montevetro;

^A Document A/RT/A – Views CP33, CP36, RT5 and RT7 (pp. RT/3-23, RT/3-25, RT/3-35 and RT/3-39) and Document CH4 – Annex A.

^B Document CH7 – Annex A.

^C Document CH1 – paras. 5.32-33.

^D Document CD206.

^E Documents CD120 (PPS1), paras. 33-39, and CD124 (PPG3), para. 54.

^F Works of demolition to the side of the creek would require conservation area consent from which, at present, Circadian does not benefit.

^G Document CD222 – p.81 – para. 4.59 says that development should not negatively impact upon the quality of important views by obscuring them, introducing inappropriate elements to the foreground or background or affecting the townscape and composition within them.

^H Document CD226 – pp.3.32 and 3.34.

- the view from Battersea Bridge upstream to Cadogan Pier, Lots Road Power Station and Montevetro, and
- the view from Albert Bridge upstream to Battersea Bridge, Lots Road Power Station and Cheyne Walk.

- 10.55 Lastly, the Sands End Conservation Area Character Profile is obviously of significance. It confirms^A that the conservation area offers many opportunities for new development, which should respect the character of the river front and the surrounding areas; particular attention should be paid to the height, scale and massing of new development and the effect this would have upon the character of the river corridor, the quality of open spaces, and views into and out of the conservation area..
- 10.56 It is against this combined statutory and policy background that the development falls to be judged. CHRA's clear evidence^B is that the views addressed by Circadian will be severely disrupted by the development, in particular by the two towers. The present framing of the view into the Conservation Area from the northern end of Battersea Bridge is of some significance, an historic area of old industry 'neatly defined by the Belvedere Tower and the chimneys of the Power Station, their relationship can be read by those who know or learn of the history of the area'.^C The towers would represent significant inappropriate intrusions into the skyline. They would be out of keeping and discordant with the surroundings and character of the Conservation Area. They would overpower the current landscape and 'canyonise'^D the creek. As such, they would neither preserve nor enhance, but instead undermine the character of the Conservation Area. These impacts are exacerbated by the lost opportunity of the development in terms of greening and tree planting along the Riverside Walk,^E not to mention the loss of existing trees. Accordingly, the development is inappropriate in this location and contrary to national and local policy.
- 10.57 The boundary of the Conservation Area runs to the centre of the River Thames and the centre of Chelsea Creek. Thus, the impact of the proposals on the use of these areas of water is highly relevant.^F And to transform the creek into a water garden would represent its annexation and domestication, rather than recognition of its important status as part of the navigable Thames. Boats should continue to be able to use the creek, as they do now, but particular difficulties would be created in this regard by the lack of headroom under bridges and also by underwater obstacles.
- 10.58 Discussion about who is responsible for the control of Chelsea Creek should not obscure the real point of importance – that the relevant development plan policies for protecting the creek should be followed and respected. This is particularly important given the place accorded to the River Thames in the Blue Ribbon Network (BRN) policies in the London Plan, in the Thames Strategy – Kew to Chelsea, and in both UDPs. It is notable that the proposals make no practical provision for access to the water for boats, nor for the berthing or mooring of boats. Such facilities were previously available on the river

^A Document CD225 – para. 6.3

^B Document HBG1 – Mrs Dixon is in a uniquely privileged position, her close involvement in the designation and extension of the Sands End Conservation Area making her particularly well qualified to comment on the effect on it of the proposed development.

^C Document HBG1 – p.10, para. 9.3.3.

^D Document HBG1 – p. 10, para. 9.3.3.

^E Document HBG1 – sections 9.5 – 9.7.

^F Though mentioned in Mrs Dixon's evidence, CHRA defers to the evidence of the West London River Group (WLRG), which is more expert and experienced in these matters.

and in the creek – and those now proposed would be totally inadequate. Evidence presented by WLRG focusses attention on the need for a masterplan for the area, which could deal with matters such as improvements to access and permeability, the regeneration of the creek up to the King's Road, the restoration of the old gasworks dock and the area between Lots Road and the railway line.

10.59 These conservation area matters constitute valid reasons for refusal of the proposals.

Conclusion

10.60 CHRA reiterates that it is not opposed to development on the appeal site as a matter of principle. On the contrary, it would welcome the sort of inventive and sustainable regeneration opportunity that this location has demanded for decades.

10.61 But the scheme under consideration is not that opportunity. The evidence speaks for itself. Whilst the proposed development might achieve high levels of affordable housing and bring into use currently derelict land, it would do so at an unacceptably high price for the local community. From the mews houses of Chelsea to the terraces of Lots Road, local residents have been united in their objection to the scheme because of its impacts on their local environment. It demonstrates a failure to comply with national, regional and local policy. Each area, taken either in isolation or in combination, is sufficient to constitute a reason for rejecting the proposals. To allow the proposals would be contrary to the provisions of the development plan. To allow them would be to create an excessively intensive development in an area of London with infrastructure insufficient to cope with the pressures already placed upon it. It would buckle under the additional strain.

10.62 For all these reasons, CHRA urges refusal of the application and dismissal of the appeal.

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11 ADDITIONAL POINTS FOR THE LOTS ROAD ACTION GROUP

In addition to his evidence as part of the joint case with CHRA, Mr Pringle submitted a separate proof of evidence on behalf of LLAG alone. Also, a number of points were raised in e-mails from Ms Melyssa Stokes, Vice Chair of LLAG, who I allowed to ask questions of opposing witnesses on behalf of LLAG. The gist of the additional points was this.^A

- 11.1 It is important to look at the whole picture. Public transport is poor and time-consuming. It is quicker to travel by car (even if that is less sustainable). New bus services alone will not address the problem. This is simply not the place for such a high residential density. Whatever the parking survey says, it is usually difficult to find a residents' parking space at present. Car ownership in the proposed development cannot be suppressed by constraining car parking, especially as all RBKC residents will have the right to a RBKC residents' parking permit. The existing situation is made worse when Chelsea FC are playing at home – because of the closure of Fulham Road and the supporters looking to park in the Lots Road triangle. It is also made worse by rat running along Lots Road. LLAG has no technical basis for disagreeing with the evidence on transport infrastructure by CHRA's witness – only anecdotal evidence and the experiences of residents.
- 11.2 To reduce the height of the towers so that they could not be seen from the Lots Road triangle would be a satisfactory solution from LLAG's point of view and would probably reduce density to an acceptable level (though no exercise on that has been done). There are, of course, other arguments from other points of view. In addition to the visual arguments, reducing the density would also assist in terms of open space and children's play facilities, which are inadequate in the present proposals despite existing facilities in the area already being limited and under pressure.

12 ADDITIONAL POINTS FOR THE HAMMERSMITH AND FULHAM HISTORIC BUILDINGS GROUP

Mrs Dixon initially registered her wish to make points on behalf of the Hammersmith and Fulham Historic Buildings Group (HFHBG) alone, in addition to her evidence as part of the joint case with CHRA. Having given that evidence, however, she agreed that she had already addressed everything she wished to. She also asked questions of opposing witnesses on behalf of HFHBG, though I deal with material concessions in the gists of those other cases. There is therefore nothing further to report here.

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^A Documents LR1 is Mr Pringle's proof of evidence; Document LR3 is the bundle of e-mails.

13 THE CASE FOR THE CHELSEA SOCIETY

I give here the gist of the Chelsea Society's case, drawn essentially from its closing submissions, amplified as appropriate in relation to the proofs of evidence and what was said at the inquiry.

Landmark

- 13.1 'Landmark' is a word heard frequently during the inquiry. Lots Road Power Station is neither listed nor in a conservation area. It enjoys no protection from demolition. Sir Terry Farrell asserts that the power station should not be demolished – because it is an historic and iconic landmark. But he proposes to erect two very tall buildings in front of it, completely contradicting and negating his assertion. He also claims landmark status for his proposed towers, seemingly blind to what is evident in all of the material before the inquiry – that there would be irreconcilable conflicts between the existing and new landmarks. By virtue of their height, bulk and location, the proposed new landmarks would dominate and belittle the existing landmark from every viewpoint.^A
- 13.2 The Chelsea Society supports the re-use and refurbishment of the power station – but Circadian has not responded to the assertion that the reason it wishes to retain the power station is not just as a landmark but because it represents twelve storeys of development in a location where such a building would not now be permitted. The towers would be the new landmark – but a developer wishing to erect a new landmark on the site might be better able to succeed if the existing power station were first demolished, eliminating any possibility of conflict. Circadian seems to want to have its cake and eat it.
- 13.3 When the site was first purchased from London Underground Limited (LUL) in 1999, it was on the basis of a scheme to convert the existing building and erect new residential buildings around it of no more than eight storeys high. Tall buildings, as admitted by Sir Terry Farrell, are not essential to the viability of the proposals. Other witnesses, too, have accepted that high density development can be achieved on this site without tall buildings. The proposed towers are an unnecessary addition to the proposals

Regeneration

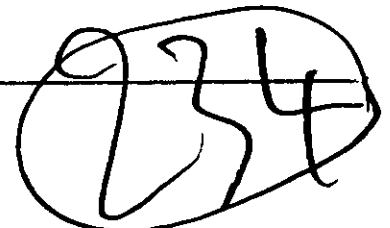
- 13.4 'Regeneration' is another oft-heard word at the inquiry, which has been told that the proposals would bring comprehensive and lasting regeneration to the area. But it has been conceded that the only area in need of regeneration is the power station site itself, not the neighbouring areas of Chelsea or Fulham. Planning policies aimed at urban regeneration do not apply to this site. On the contrary, the area is one of those precious suburbs on the fringe of central London which the London Plan identifies as being vulnerable to development pressures and where policy should be about protecting the established character and environment.^B

Community

- 13.5 A third frequently heard word is 'community'. The needs and aspirations of the local community are claimed to be important considerations in Sir Terry Farrell's evidence. But he is baffled when his ideas are rejected by the community – as they demonstrably

^A Documents CS1 (Section 3) and CS2 (Appendix 2) – the Society is critical of the accuracy of the photo-montages presented to the inquiry, in particular of the focal length of the lenses apparently used to take the initial photographs.

^B Document CD174 – Chapter 5B, para. 5.19 (p.229) in particular.



have been. The planning brief was adopted by RBKC after full public consultation.^A It represents, as nearly as is possible, the needs and aspirations of the local community. It suggests that new development should rise no higher than the eaves of the power station. Yet the brief is a document barely referred to at the inquiry.

- 13.6 Sir Terry Farrell has worked with the owners of the site since the inception of the project. His evidence shows what has led to certain decisions. The evidence of others seeks to justify those decisions. Some of it, however, has asked the inquiry to believe the unbelievable. Professor Tavernor acknowledges that, from most riverside viewpoints, the proposed towers would conceal or obscure the power station – and says that this would be ‘beneficial’.^B He suggests that the breach of RBKC UDP Policy CD6 (which prohibits tall buildings) should not count against the proposals but should weigh in their favour. Mr Butler, for LBHF, suggested that its design made the 37-storey building acceptable in 2003 when a 25-storey building was contrary to LBHF UDP Policy EN9 in 2002 and not acceptable. And Mr Walker, for Circadian, thought it reasonable to assume an average walking speed of 4.5mph rather than the commonly accepted 3mph.

The Development Plan

- 13.7 The GLA seemed to suggest that the London Plan rendered obsolete the UDPs of both Boroughs and also the planning brief for the site. But the statutory development plan comprises the London Plan and the RBKC and LBHF UDPs. On tall buildings, there is no conflict between the different plans. The London Plan promotes tall buildings (Policy 4B.8) but does not identify this site as suitable for them. Nor does the site meet the criteria for locations where tall buildings might be appropriate. Both UDPs include a raft of policies designed to set a clear and unequivocal presumption against tall buildings, especially along the riverside. The London Plan says that the Mayor, with the Boroughs, will identify where tall buildings could go. The process has begun – but it will not be complete until the Boroughs have produced Local Development Frameworks (LDFs). English Heritage and CABI agree with adopting a plan-led approach in their Guidance on Tall Buildings.^C
- 13.8 The London Plan^D encourages major new development to provide homes and jobs, mainly to be located in Opportunity Areas (5B.4), Areas of Intensification (5B.5) and Areas for Regeneration (2A.4). The site does not fall within any of these. The RBKC site is within the Central Sub-Region but outside the Central Activities Zone (CAZ). The whole site is a riverside one in an Area of Metropolitan Importance and part of London’s Blue Ribbon Network (BRN). Policy 4C.20 requires new development to be of human scale, to integrate with its immediate surroundings and to have special regard for river views and vistas. The proposal does none of these.
- 13.9 The RBKC UDP has several policies seeking to preserve the character of the riverside, protect the skyline and limit development to no higher than its neighbours.^E Policy CD6 specifically states that development on the Chelsea riverside should be no higher than the general height of original buildings east of Blantyre Street – thus ensuring that the World’s End towers do not set a precedent for future development. In the LBHF UDP,^F

^A Document CD206.

^B Document A/RT/A – commentary on the effect of the proposed development in the various views.

^C Document CD151.

^D Document CD174.

^E Document CD199 – Policies STRAT 12, STRAT 13, CD1, CD27 and CD37 in particular.

^F Document CD222.

Policy EN9 resists tall buildings that would adversely affect a conservation area, a local landmark or views to or from the riverside while Policy EN31 resists development that would harm the view of the riverside downstream from Wandsworth Bridge.

- 13.10 The planning brief prepared by RBKC^A for its part of the site addresses demolition and retention of the power station. The Society supports its retention but it is disingenuous of Circadian to argue, as it has, that the proposed development could not conceivably harm it. The towers would dominate river views, particularly those looking upstream and particularly those from the bridges. They would completely supplant the power station as the dominant landmark, wholly or partially obscuring it from view. They would also dominate and harm views from inland, adding to the oppressive effect of the power station on the Lots Road Triangle and detracting from views in Brompton Cemetery.
- 13.11 The proposals fail to comply with the planning brief or the Development Plan. For the Mayor to support tall buildings on this site is at best premature.

PTAL

- 13.12 TfL gives an unrealistically optimistic assessment of the site's future PTAL.^B The whole question of public transport in the area is one of uncertainty. There is no guarantee that the West London Line (WLL) station at Chelsea Harbour will be built; nor that the WLL will be part of a completed Orbirail by 2012, with six trains an hour, each way, in the peak period. What is certain is that the site is isolated by the WLL and the Thames. Each could, in theory, provide public transport – but the WLL will remain an orbital route at best and history suggests that the prospects for the proposed river bus are not good. The enhanced C3 bus service and the new Embankment service would be along routes which, when they become boundary routes for the extended Congestion Charge Zone,^C will see even more traffic than now. The nearest tube station is 1.2km away at Fulham Broadway. The site will never be a transport hub.
- 13.13 The quantity and density of development proposed is inappropriate for a location with such low public transport accessibility, even when a realistic assessment of future improvements is taken into account. The best and most realistic estimate of PTAL is no higher than 3, suggesting that a density at the upper end of the range 300-450hr/ha be adopted. A scheme to that density could omit the offending tall buildings, provide at least the 500 new homes identified for the site in the London Plan and, most importantly, not put at risk the credibility of the London Plan policies on density and PTAL.
- 13.14 Circadian is wrong to argue that the site is a 'central' one for the purposes of assessing density in relation to PTAL. In addition to its limited public transport choice, it is more than ten minutes' walk to a town centre. The nearest shopping centre is over 1km away, at King's Road West. Fulham Broadway, the nearest town centre, is agreed by all to be more than ten minutes' away. Thus, the density argued for by Circadian conflicts fundamentally with the policies of the London Plan.

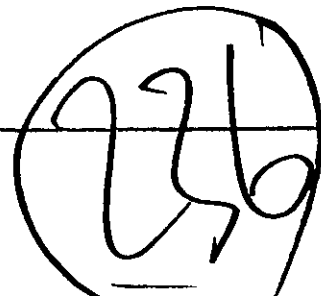
Traffic congestion

- 13.15 Circadian uses traffic modelling to show that traffic would dissipate quickly on the road network. But LBHF's evidence is that congestion on King's Road and Fulham Road is day-long, particularly at their junctions with the Earl's Court one-way system. The

^A Document CD206.

^B Document CD174 – Policy 4B.3, Table 4B.1 and paras. 4.44-48 (pp.176-8).

^C Document GLA/6.



reality is that roads in this part of London operate, for much of the time, so close to capacity that the slightest upset causes congestion. Circadian's own figures show that car ownership increased by 571 in the decade to 2001.^A The proposed development of 800 homes would add more, in an area already with some of the highest residential densities in the country. PTAL does not take account of these factors, even though they must undoubtedly lower the accessibility of the power station site by bus.

Vauxhall Tower

- 13.16 Circadian points out that the First Secretary of State is minded to approve the Vauxhall Tower.^B But that case is totally different to this one. The Vauxhall site is identified in the London Plan as an Opportunity Area; it is an Area for Regeneration, within the CAZ and at a major public transport node. All of these are locational attributes which the London Plan suggests can make tall buildings appropriate. In spite of that, the Inspector did not accept the arguments in favour of tall buildings made at that inquiry. On this site, which has none of those attributes, there is even less reason to accept the arguments.

Conclusion

- 13.17 The Chelsea Society supports some aspects of the proposals but is unequivocal in its objection to the proposed tall buildings. It is not just a case of a good building in the wrong place – a building not appropriate for its site is a bad building, no matter how worthy its detailed design might be.
- 13.18 The tall buildings proposed here are completely contrary to the development plan and would cause considerable harm – harm to Lots Road Power Station, an iconic landmark on the bank of the Thames, and harm to Chelsea, a precious suburb on the edge of central London that is vulnerable to development.
- 13.19 The Chelsea Society is not an action group set up to defeat these proposals. Its motive in appearing at the inquiry is to 'protect and foster the amenities of Chelsea', something it has been striving for over the past 78 years. The Society supports conversion of the power station and the erection of subordinate buildings around it – something that could produce high-density large-scale development which, after the proposed improvements to public transport, would be at an appropriate density range for the location.
- 13.20 The present proposals, however, should be refused.

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^A Document A/8 – ownership remained almost static as a percentage but increased in numerical terms.

^B Document A/13.

14 THE CASE FOR THE WEST LONDON RIVER GROUP (WLRG)

I give here the gist of the West London River Group's case, drawn essentially from the evidence of its two witnesses, elaborated upon as appropriate by reference to what was said and asked at the inquiry. The Group supported the Lots Road Action Group, the Chelsea Society, the Hammersmith and Fulham Historic Buildings Group and other local community groups on both sides of the Thames – on urban design, landscape, social and transport grounds in particular.

- 14.1 WLRG urges refusal of the application and appeal in their present form, for Blue Ribbon Network (BRN) and river reasons. The scheme appears to take no account of BRN^A and river considerations. For example, uses and activities that require a waterside location are neither enabled nor supported, contrary to BRN Principle 1 in the London Plan and Policy 4C.12. And the existing function of the creek as tidal navigable waterway would be totally frustrated by footbridges too low for most boats to get under – and also by numerous new underwater obstructions without any apparent provision for marking the remaining navigation channel.^B The creek's present use for training in watermanship and boat-handling would be jeopardised. And the scheme would effectively stop any further BRN protection and enhancement around and beyond the present head of the creek.
- 14.2 As well as Policy 4C.12 in the London Plan, the scheme fails against the following policies in particular – 4C.1 (to recognise the strategic importance of the BRN), 4C.3 (to protect and enhance biodiversity value), 4C.10 (to respect the varied local heritage), 4C.16 (to promote opportunities for leisure and education), 4C.18 (to exploit the potential for water-borne leisure support facilities), 4C.19 (to protect, improve or provide new mooring facilities), 4C.20 (for design to start from the water), 4C.22 (to protect the openness of the BRN from structures over or into it) and 4C.31 (to protect, improve and respect the creek as one of the rivers, brooks or streams within the BRN)
- 14.3 The scheme appears to reduce the flood capacity of the creek. Based on a flood defence level of +5.41AOD, WLRG estimates a net encroachment into the flood capacity of the creek of about 2,500cum.^C If that is correct, the scheme also fails against Policy 4C.7.
- 14.4 The Thames Strategy – Kew to Chelsea^D is the appraisal sought by London Plan Policy 4C.26. It has been adopted as supplementary planning guidance by LBHF. It recognises that 'Chelsea Creek is a major opportunity site for riverside restoration, new uses and improved links'. It says, amongst other things, that development of the remaining land at Chelsea Harbour 'should seek to improve public access to the river and should make provision for public open space' and also that development should 'include provision for the enhancement of Chelsea Creek'. The proposals fail to have proper regard to the various recommendations in the Strategy.
- 14.5 There is no masterplan for the wider area, an approach supported by the Strategic Planning Guidance for the River Thames in RPG3B/9B.^E In the RBKC UDP,^F Policy CD90 says that planning briefs will be prepared for important development sites and Policy CD91 aims to identify sites that would benefit from environmental improvement

^A Document CD174 – pp. 193-218.

^B Document RG4, supplemented in relation to air draft by Documents RG6/3, RG6/4 and RG6/5.

^C Document RG5, supplemented by Documents RG5/2-9, submitted subsequently.

^D Document CD226 – paras. 4.76-89 in particular.

^E Document CD186.

^F Document CD199.

schemes. In the LBHF UDP,^A Policy G9 expects sites coming forward for development to realise qualitative gains for the local community in pursuance of economic and social objectives. In the London Plan, Policy 4C.21 calls for design statements to be prepared for all major development proposals within the Thames Policy Area. None of these has been properly addressed in preparing these proposals.

- 14.6 On the other hand, the Chelsea Creek Project^B is an embryonic masterplan and has identified a number of opportunities – regeneration of the creek to form a green corridor linking to King's Road and beyond, extension of the pathway across the river by means of a 'clip-on' structure to the WLL bridge, opening pedestrian and cycle links through the railway embankment to Imperial Wharf, restoration of the old gasworks dock to provide moorings for residential boats and facilities for recreational use of the river and creek and development of some of the land between the north-south leg of Lots Road and the filled-in creek.
- 14.7 In addition to the above objections, there are inconsistencies and inaccuracies within the application and appeal drawings.^C All three footbridges appear to be shown at different levels and gradients on various drawings. Also, it is not clear that the tidal regime has been properly taken into account in the levels of the terraces in the creek,^D which could have implications for the habitats intended to be created. Thus, the suitability of the present drawings as a basis for decisions must be in doubt.
- 14.8 WLRG takes the view that the present proposals are **not** yet the imaginative, sustainable and community-oriented scheme that this prominent and important site deserves. They are **not** good enough in their present form. Nor are they in line with the London Plan or the Thames Strategy – Kew to Chelsea, or indeed with the two UDPs.
- 14.9 Nor should anything be done that would prejudice the chance in the future to restore the water-body back up to King's Road or into the Imperial Wharf basin, thereby creating a really distinguished addition to the BRN. The Chelsea Creek Project is an example of an attempt **not** to miss such a rare opportunity.
- 14.10 As they stand, the proposals should be refused.

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^A Document CD222.

^B Document RG8 – the first page summarises the purpose of the project and the opportunities that are seen; drawings nos. A1453/003 and A1453/020 show schematic proposals and a schematic masterplan.

^C Documents RG1E, RG3, RG4 and RG6.

^D Document RG1C.

15 THE CASES FOR OTHER GROUPS AND INDIVIDUALS

I give below the gists of the cases for other groups and individuals in the order in which they gave their evidence. All of them objected to the proposals. The Cheyne Walk Trust, Mr James Wilson and Councillor Brendan Bird were Rule 6 parties.

The Cheyne Walk Trust was represented by Mr Richard Sharp.^A

- 15.1 The Trust supports fully the positions of the Chelsea Society, the CHRA and the WLRG. It recognises the need to develop what is a brownfield site but, equally, considers that development should benefit the local community rather than subject it to damaging intrusions. Its main concerns are – excessive density; over-development; unacceptable height, scale and mass; adverse visual impact; adverse transportation, traffic, parking and pollution implications; precedent; flood storage risk; inadequate open space and recreation facilities; and inadequate amenity provision.
- 15.2 The proposed density of around 667 habitable rooms per hectare (hr/ha) is two to three times higher than recommended in either of the UDPs or in the planning brief.^B The section 106 package does not justify exceeding the maximum density set out in those documents. Density should be related to PTAL,^C which would give a maximum of 450hr/ha, always assuming that the section 106 proposals would raise the existing PTAL. The proposals do not comply with Policy HO7 and Standards S1 and S2.1 in the LBHF UDP; nor with RBKC UDP Policy H12 and the planning brief for the site; nor with the guidance in PPG3 that greater intensity of development should only be sought at places with good public transport accessibility. The proposals grossly exceed all recognised guidelines and, as a result, the existing transport infrastructure, shops, schools, community facilities and public open space are inadequate to accommodate the demands to be put upon them.
- 15.3 The scale, massing and height of the proposed towers are inappropriate to the locality. They would adversely affect local views and undermine the conservation aims of the Thames Policy Area for this site of metropolitan importance. Neither the Belvedere nor Montevetro should be viewed as a precedent. In approving the Belvedere, LBHF said expressly that it was symbolic of the regeneration of the area and did not provide a precedent for other towers.^D Montevetro is also understood to be a special case but its impact can only be described as disastrous. On this site, the height of the existing power station should remain predominant. The proposals fail to comply with LBHF UDP Policies EN8, EN9, EN31 and EN33, RBKC UDP Policies STRAT12, STRAT13, CD1, CD2, CD6 and CD37 and the planning brief for the site.
- 15.4 Traffic density in the area is already high, parking provision is deficient and pollution levels exceed Government guidelines. The existing transport and road systems will not be able to cope with the increase in population and commercial activity, particularly with the forthcoming developments at Imperial Wharf, King's Chelsea, Fulham Broadway and Hortensia Road. Nor has any account been taken of the transportation needs and traffic generation of the proposed Chelsea Academy for 1,150 pupils at Lots Road.^E

^A Documents O/1, O/2 and O/3.

^B Documents CD199, CD222 and CD206.

^C Document CD174 – Table 4B.1 on p.177.

^D Document CD225 reflects that decision at para. 6.12.

^E Document CD212.

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- 15.5 The area is poorly served by public transport and must be upgraded before any high density development is permitted. A new station on the West London Line (WLL), a firm commitment to a station on the Chelsea-Hackney line, adequate local bus services to anticipate and/or supplement rail and/or underground access and frequent, high capacity affordable and permanent river bus services must all be provided.
- 15.6 The proposals will introduce over 3,000 people into the Lots Road area and will lead to severe congestion and increased pollution on the roads. The Chelsea Academy Transport Study^A found that the existing junction at Cremorne Road already operates at capacity during the morning peak and potentially over capacity in the afternoon peak. Also, 56% of Academy pupils are expected to use public transport, which leave 44% travelling by car, cycle or on foot. Parking provision for the proposed development is very low, which will increase demand for already inadequate residents' parking spaces. And the routing of buses along Lots Road will deflect parking pressure on to the surrounding streets.
- 15.7 The LBHF and RBKC UDPs and the London Plan all identify the need for high trip-generating development to be located in areas well served by public transport. This site is not well served. Even after the proposed improvements, its PTAL would rise to only 2-3 whereas 3-4 is required for a development of this density. The proposals do not comply with LBHF UDP Policy TN2. Development in both Boroughs should be limited to the capacity of existing public transport systems or else there should be a more fundamental upgrade than so far offered.
- 15.8 All in all, the proposed development conflicts with LBHF UDP Policy TN13 and RBKC UDP Policy TR28. And, if the proposals are accepted, the consequence will be increased atmospheric pollution on what are already some of the most intensely polluted routes in the designated RBKC Air Quality Management Area (AQMA).
- 15.9 The Environment Agency initially raised a number of objections. The Trust is alarmed that over-development of the creek and riverside will reduce flood storage capacity and increase the flood risk upstream and downstream. It also agrees that the opportunity has not been taken to create an impressive riverside/creekside park with terraces down to the river. The riverside walkway should be enhanced by a continuous tree line, as exists already along Cheyne Walk and Chelsea Embankment.
- 15.10 Provision of public open space is far from adequate and the calculations of it misleading. Buildings will overshadow the inadequate and narrow riverside walkway. The spaces should be enhanced to accord with planning guidelines and a riverside walkway provided that can cope comfortably with cyclists, pedestrians and leisure walkers. The Trust sees no undertaking in respect of educational facilities to cope with the expanded population, nor any provision for open-air sports facilities to allow team ball games. All of these matters should be addressed, particularly the inadequate public open space. At present, the proposals conflict with the standards specified in both UDPs and also the London Plan and national guidance.

Mr James Wilson is a local resident.^B

- 15.11 He supports the evidence of CHRA, LLAG, the Chelsea Society, the Cheyne Walk Trust, WLRG and RBKC.

^A Document CD212.

^B Documents O/4, O/4/1 and O/5.

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- 15.12 All traffic will access the site from RBKC (from Lots Road). The site has the lowest possible PTAL index. The transport package being put forward will not raise the PTAL sufficiently to justify the high density of the proposed development.
- 15.13 The development, along with the proposed extension of the Congestion Charge Zone (CCZ),^A will have a severe impact on traffic in the area. A large volume of traffic will use Lots Road as a rat run to try to avoid traffic jams at the fringe of the CCZ. The proposed increase in the congestion charge will exacerbate this. How can development traffic be said to have no impact? The enhanced bus services will be of minimum benefit because the buses will be stuck in grid-locked traffic – if, indeed, they are ever implemented on the scale proposed. The river bus will not be economically viable. There must also be doubt about whether the long-proposed station on the WLL will ever be built. Even if it is, there is a proposal for through trains not to stop at minor stations (of which Imperial Wharf will be one).
- 15.14 The proposed development will have a detrimental effect on residents' parking bays in the area, which at peak times are already used at capacity and over. Many residents of the development will apply for parking permits even though they have their own off-street parking (partly because they allow borough-wide parking). As a result, existing residents will have nowhere to park. They already have difficulty parking close to their homes – a real problem with young children and/or shopping, especially if it is raining.
- 15.15 The height of the proposed towers is totally out of keeping with the local area. They have been designed for the long views from downstream, to the exclusion of other aspects. If allowed, they would set a precedent for similar development in the area. If these proposals are permitted to override the requirements of the UDP without any compelling justification, it will not be logically possible to resist similar proposals in the future – and there are several sites in the vicinity with the potential to be redeveloped.
- 15.16 That would cause even greater traffic problems and put even greater pressure on local amenities and open spaces. There are already problems in the area due to lack of facilities for children. The proposed school will mean the loss of the adventure playground at the Ashburnham Centre and its relocation in Westfield Park will simply reduce the already inadequate amount of space available for other people to use. For example, there is already nowhere for children to kick a ball about and nothing in the proposals to remedy that.
- 15.17 The application and appeal breach the UDPs of the respective Boroughs on numerous levels. The very high density proposed will have an enormous impact on an area hemmed in between the Thames and the WLL and suffering from poor quality transport.
- 15.18 Lastly, the GLA's position is generally to protect wharves. RBKC has objected to the continued safeguarding of Cremorne Wharf based on the impact on residential amenity and on the road network,^B but the GLA resists the objection. If RBKC has concerns about the traffic implications of Cremorne Wharf, that must be important in relation to the traffic implications of the proposed development.

^A Document GLA/6.

^B Document O/4/1.

Councillor Brendan Bird represents the Sands End Ward, LBHF.^A

- 15.19 He endorses the criticisms made by the Fulham Society and especially those by LRAg and the many residents who have written.
- 15.20 Wide-ranging experience in the Council housing and housing association sectors points towards development at a human scale, with a strong bias towards terraced housing. That is in line with the wishes of his constituents. Experience suggests that a tower block estate will be a social disaster which will fail to provide a sustainable community.
- 15.21 It has always been envisaged that, should a change of use to residential be granted for the site, development would be to a human scale, in keeping with the existing housing and community. Local planning policy reflected has this. The site is quasi-landlocked, which leads to significant traffic build-up and also explains the minimal public transport. The proposed WLL station could be of only limited benefit. What the area really needs is a new underground station.
- 15.22 On the proposals themselves, why does the affordable housing not get a river view? And why is the affordable housing ghettoised in the least attractive parts of the site? And are buildings of up to ten storeys what are really needed for some of our most disadvantaged citizens? The lessons of the 1960s and 1970s appear not to have been learnt. The space standards in the affordable housing are the bare minimum (the market housing is 25%-95% larger) and include internal kitchens and bathrooms. The underground car parks are completely inappropriate for social housing and are only necessary to help increase the overall density of development.
- 15.23 PTAL and the guidance in PPG3 seem to have been applied with elasticity. The density, at about 749hr/ha, is three times the recommended UDP maximum. The PTAL measure expects a shopping centre within 10 minutes' walk but Fulham Broadway is more like 20 minutes away. There is no open space where children could play football. Nor is there any in the vicinity.

Councillor Jennifer Kingsley is one of three Councillors for Cremorne Ward, RBKC.^B

- 15.24 Many comments apply equally to the LBHF site, though her first concern is with the impact on the residents in her ward. She is not opposed in principle to the development of the power station site – for example, with a scheme in accordance with the original design brief. She shares and supports the views expressed by the Chelsea Society and the London CPRE.
- 15.25 The first planning application, for a slightly different scheme, was refused permission in 2002. Many of the objections (in particular, the height of the buildings, the density of development and the poor transport infrastructure) apply equally to the present scheme.
- 15.26 Transport infrastructure is weak due to the absence of an underground station, the limited WLL service and the inadequate choice and frequency of bus services. The situation will only become worse if the proposed Lots Road school is built. It was not taken into account in assessing the impact of the proposed development. The proposed CCZ extension will exacerbate the problems. The improvements offered by the applicant are unlikely to produce a transport infrastructure that will accommodate the scale of on-going development in the area. The traffic assessment underestimates the likely extent

^A Document O/6.

^B Document O/7.

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of car ownership and car use by residents in the development. Use of the car is inevitable given the inadequate public transport and the inadequate proposals to ameliorate the position. Parking will also be inadequate – with the result that many people will apply for residents' parking permits. Residents in the affordable housing may not wish to pay for on-site parking charges.

- 15.27 The nature of other community benefits offered by the applicant raises several questions. Will the affordable housing be an attractive proposition, given the likely levels of service charges? Will the Ashburnham Community Association be able to function effectively within the new development? Where will the sports facilities go? Can the money for Westfield Park be used effectively? Is there sufficient incentive to establish the sort of small businesses (post office, pharmacy, grocery) that will be needed? Will the surgery space be adequate? Do the police consider the open space to be safe and secure? The proposed benefits may appear attractive at first blush – but will they be sustainable and are they what the community needs? Are they really adequate compensation bearing in mind the adverse effects of the scheme?
- 15.28 The power station operated for over 100 years, fuelled first by coal and then by oil. The site is heavily contaminated. Extensive works, over a long period, will be required to clean it up. That may well cause a hazard to people living in the neighbourhood, as well as disruption and nuisance to a wider population. There are legal requirements to be met but local people are apprehensive about the adequacy of the safeguards.
- 15.29 In short, the proposed development will have a huge adverse impact on local residents. The poor transport system will inevitably become worse. The scheme is contrary to the RBKC UDP and the design brief. It should be refused so that everyone can go back to the drawing board to devise a scheme that pays proper regard to the needs and wants of the community.

Mr John Putnam spoke on behalf of **the Fulham Society**.^A

- 15.30 The Society's principal concerns are the height and scale of the proposals and the related matters of massing, over-development, density, effect on river views, traffic generation and the adequacy of public transport provision. It welcomes appropriate development of the site, supports retention and conversion of the power station and commends what it considers an imaginative scheme for its rehabilitation.
- 15.31 Various illustrations suggest that the two towers would be relatively slender, though the Society regards their height as totally inappropriate for this section of river frontage and the model at the inquiry shows just how overpowering and intrusive they would be, especially in relation to the power station. They are wholly unacceptable. They fail against most of the eight clauses in Policy EN9 in the LBHF UDP. One of those clauses is to consider local opinion, which is virtually unanimous in opposing the proposals. Whatever the detailed calculations, the proposed density is far in excess of the maximum permissible under Policy HO7 and Standard S2 in the LBHF UDP. No reasonable justification has been provided for this departure from policy. The existing power station is recognised as a key landmark on this section of the Thames. The Belvedere is also a landmark. The proposed towers would harm the settings and views of both landmarks. They are also too close to the river and will further extend what has effectively become a corridor stretching from Greenwich to Battersea.

^A Documents O/8 and O/9.

- 15.32 The officers' report to Committee in March 2002 described the local road network as 'already heavily congested not only at peak periods ...'. Anyone with any knowledge of traffic conditions in the area will know that that view is correct. Football matches at Stamford Bridge add seriously to the problem because the closure of part of Fulham Road disrupts traffic and because added pressure is put on restricted parking throughout south Fulham. Lots Road cannot be looked upon as an isolated development. Imperial Wharf and other schemes in the immediate area are already generating increased levels of car usage. The proposals can only bring a further increase.
- 15.33 PTAL calculations for the site appear to be influenced by proximity to a town centre. Fulham Broadway, Hammersmith Broadway and Shepherd's Bush are designated town centres. King's Road West is a local shopping centre and should be disregarded for the purposes of calculating PTAL.
- 15.34 The immediate vicinity of Chelsea Creek is a well-established and peaceful wildlife habitat but there appears to be no evidence addressing the effect on that of large-scale urban development and the numbers of people who will be living in or visiting the area. The creek has also long been a valued recreational amenity for fishing but it is unclear how that will be affected by the proposed development.
- 15.35 In short, there should be development of the whole of the site but it should be far less obtrusive and at a scale more appropriate to this part of London and its riverside location.

Councillor Greg Hands is Leader of the Conservative Group on LBHF Council.^A

- 15.36 The main concerns are the wholly inappropriate height of the proposed towers, the inadequate public service infrastructure for a population increase of around 2,000, the inadequate public transport in a relatively inaccessible area, the threat to nature conservation and the effect on the amenity of residents of Chelsea Harbour from the scale, mass and siting of the proposals.
- 15.37 A similar scheme (but with fewer units and a lower tower) was rejected by LBHF in March 2002.^B Far from being addressed by the present proposals, the adverse effects found in that earlier scheme (including the height and scale of the proposals, the effect on views and the unacceptable traffic generation) have actually been made worse.
- 15.38 On public transport, the WLL offers only a cumbersome route in either direction with a change to another route or mode being necessary; and the Strategic Rail Authority's present proposals could mean all southbound trains terminating at Clapham Junction. District Line trains are overcrowded by the time they reach Putney Bridge or Parsons Green. It is impossible to get on if changing from the WLL at West Brompton. Also, the river boat has a sorry history, with no operator managing to make a success of it; it is not an attractive option, especially with a fare of £8.

Councillor Frances Stainton represents Parsons Green and Walham Ward, LBHF.^C

- 15.39 LBHF twice turned down Circadian's application,^D on no fewer than nine counts. Those reasons remain unresolved in these proposals. She fully supports the evidence presented on behalf of the CHRA but does not oppose a sensible sustainable form of development.

^A Document O/10.

^B Document CD46.

^C Document O/11.

^D Documents CD46 and CD46A.

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- 15.40 The claims put forward for the towers are not convincing. The façades will not be translucent, but solid. They will have vertical metal fins, perhaps coloured, and blinds to give privacy. They will not be the 'translucent dancers in the sky' described by Sir Terry Farrell. Are the towers really necessary? Sir Terry made the point about the Home Office development in Marsham Street that just as much space could be fitted into a low-rise scheme as had been provided in the now-demolished towers. The claims on light, overshadowing, transport and access are also unconvincing. A compromise is needed to achieve a sustainable environment on this key development site.

Ms Christy Austin spoke on behalf of Artists and Designers for Preserving and Enhancing the Quality of Life.^A

- 15.41 She made general comparisons between London and New York, Paris and other major cities before describing the charm of Kensington and Chelsea, Hammersmith and Fulham and the adverse effect the proposed towers would have. She wondered how the proposed development would benefit the existing residents of Chelsea.
- 15.42 CABI and English Heritage may support the proposals but no local people appear to. The towers might be appropriate in Hong Kong or Dallas but do not enhance the historic boroughs of Chelsea or Fulham, or the River Thames, in any way. Instead of enhancing it, the unique neighbourhood feel of the Lots Road area would be lost forever.
- 15.43 There are 'five simple suggestions' for a much better development. Remove the twin towers from the design, decrease the density of development and thus give all residents a wonderful quality of life. Save Lots Road Power Station as a landmark, just as Bankside and Battersea power stations have been saved. Add much more green space along the river and make it easily accessible to all Chelsea and Fulham residents. Provide parking at one space per unit for residents. Instead of shops in the power station, provide an education centre and exhibition and performance space.
- 15.44 Good city planning brings order, proportion, light and beauty to space. One of London's most precious sites will be defiled by the alien blocks of steel and glass proposed here with no regard for context.

Mr Harvey Heath spoke on behalf of the Battersea Society.^B

- 15.45 The Society is in complete agreement with the Chelsea Society and RBKC on the visual impact of the proposed towers, considering them too large for the site and damaging in views from and across the Thames. It also supports the WLRG in opposing the 'canyonisation' of the Thames by tall buildings along its banks and on the role of Chelsea Creek within the network of London's waterways.
- 15.46 Circadian seeks to justify the overpowering size of the proposals in terms of the policy imperatives of maximising the delivery of residential development and of affordable housing and of using previously developed land. It cannot, however, be the intention of policy that housing schemes meeting those imperatives should be approved irrespective of their effect on the local environment. The issue here is whether the proposals, especially the towers, are acceptable in terms of other planning policies. Similarly, the 50% affordable housing is supported in principle but must be applied to schemes that are otherwise acceptable in planning terms.

^A Documents O/12, O/13 and O/14.

^B Docs O/15 and O/16.

- 15.47 Circadian also makes much of what it claims is the high architectural quality of the proposals and the commendations from certain expert bodies. But architectural quality cannot be considered in isolation from the characteristics of the site on which the scheme would be built, including its relationship to the surrounding area. The Society is not opposed to tall buildings as such – but they should enhance, not destroy, the urban landscape. Here, Lots Road Power Station, a familiar and striking landmark, to be compared with Bankside and Battersea Power Stations, would be obscured in most views from the Thames by the proposed towers.
- 15.48 The Montevetro building was a planning error, despite its famous architect. It shows the danger of being seduced by the selective presentation of a proposal. Its existence should not be taken as justification for erecting progressively more dominant and overpowering buildings in the area, in a kind of architectural leapfrog. Nor can it be said that there is a cluster of tall buildings in the area, straddling the river. Indeed, there is a strong case for a more restrictive policy on the height of buildings in the immediate vicinity of the power station, as indicated in the planning brief produced by RBKC.
- 15.49 Tall buildings should also be ‘appropriate to the transport capacity of the area’.^A The site is not well-served by public transport and is close to existing traffic bottlenecks at the road bridges over the Thames – which would have a considerable effect at rush hours on traffic conditions south of the river. The improvements proposed by Circadian would be relatively ineffective and significant additional traffic would be generated, which could only worsen congestion at the north end of Battersea Bridge.

Mr Ray Moxley, architect of Chelsea Harbour Phase I, lives in the Belvedere Tower.^B

- 15.50 The density of Chelsea Harbour is about 133 units per hectare (u/ha); high density can be achieved without recourse to large and overpowering buildings. The height of the proposed towers would be too great for the areas of open space around them. The height and bulk of the buildings should not be such that people will feel overpowered and oppressed by them. The existing urban texture of Kensington is successful, with limited general heights and the occasional spire or tower to add focus or punctuation to the overall composition. There is no townscape need for tall buildings on this site. They would be oppressive and overbearing. Nor do other things weigh in their favour.
- 15.51 Lots Road is frequently clogged with parked cars and vans but the proposals would cause more. The Circadian scheme does not provide all the on-site parking that will be needed. Corner shops cannot cope with current needs so cars would be needed to bring home heavy shopping. The proposed railway station between Imperial Wharf and Chelsea Harbour has been promised on a number of occasions but there is no firm date for its completion. The water bus service is infrequent and uncompetitive. Cycling is not part of the solution, given the traffic conditions and the potential health risks from pollution.

Mr Peter Eversden spoke as Chairman of the London Forum of Amenity and Civic Societies.^C

- 15.52 The Forum (LFACS) acts as the London Regional Association of the Civic Trust. In essence, its view is that the two proposed towers do not conform to London Plan policies and should be refused planning permission.

^A Document CD174 – eighth bullet point in Policy 4B.9, on p.182.

^B Document O/17.

^C Document O/18.

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- 15.53 The UDPs of RBKC and LBHF must be taken into account as part of the development plan. The London Plan^A recognises the relationship of its own policies to local policies. For example, Policy 3A.26 promotes neighbourhood planning, Policy 4B.3 requires intensity of land use to be compatible with local context and transport capacity and Policy 4B.7 requires respect for local context and communities. Policy 4B.8 says that Boroughs may wish to identify areas of specific character that could be sensitive to tall buildings and Policy 5B.1 includes as a strategic priority for Central London the identification of areas suitable for tall buildings. Until Sub-Regional Development Frameworks (SRDFs) are prepared, UDPs are the local development plan. It is recognised that it may be appropriate, where a proposed development is so substantial, that granting permission for it could prejudice the preparation of a Development Plan Document (DPD) by pre-empting matters that ought to be addressed in it.
- 15.54 There are no planning policies that would support or require the two towers proposed for this site. The proposals for the power station itself are much appreciated – but it would be overpowered and obscured by the towers, instead of being deferred to. The towers would not be suited to their wider context in terms of proportion and composition, as required by London Plan Policy 4B.9; nor would their impact be acceptable, as required by Policy 4B.8; nor would they have a human scale of interaction with the streets, public spaces and waterside, as required by Policy 4C.20. Nor have the vast majority of the other Blue Ribbon Network (BRN) policies been taken sufficiently into account; in particular, Policy 4C.12 (with support from Policy 4C.27) requires uses of land alongside the BRN to be prioritised in favour of those that specifically require a waterside location; also, Policy 4C.18 protects the activities at Cremorne Wharf, alongside the site.
- 15.55 To satisfy Policy 4B.9, large scale buildings should be ‘attractive city elements as viewed from all angles’ – but the towers are almost twice as wide on one axis as on the other and those wider façades would be bulky and oppressive, harming the views from various parts of the Thames, from the nearby conservation areas and from the Lots Road triangle. Policy 4B.8 promotes tall buildings where they ‘help to provide a coherent location for economic clusters of related activities’ but that appears to apply to commercial development and there is no cluster here, nor would there be.
- 15.56 The PTAL for the site will reach only an average of 3, even with the proposed public transport improvements. And it may take until 2012 to achieve that. Most journeys from the site for work or leisure would involve a change of bus, train or tube. The proposed density would be considerably higher than at the World’s End estate – but would be contrary to the guidance in PPG3 because the requirements for that high a density are not met. PPS1 requires development to be focussed in existing centres and near to major public transport interchanges. This site does not seem to qualify as either. It is not clear that the nearest centre, King’s Road West, would be sufficiently near or attractive to those living in the proposed development: A density of 300-450hr/ha would seem to be appropriate for a high 3 PTAL; the proposed density, over 700hr/ha, is clearly excessive. It would be difficult to meet the resultant demand for road space, on-street parking, transport facilities, health facilities, other social and support services and leisure space. Without the towers, and with a reduced housing density, the layout could be improved and many of the concerns satisfactorily addressed.
- 15.57 The evidence on behalf of the Mayor suggests that he thinks the overall scheme to be in the interests of good strategic planning: However, it fails to accord with the policies of

^A Document CD174.

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his own spatial development strategy for London. He concludes that the proposals accord with the development plan and national policy guidance. That is not accepted by objectors, nor by local councillors on behalf of their constituents.

Mr James Wooster is a Battersea resident.^A

- 15.58 The scale of the opposition must prompt the question of why Circadian's proposals have provoked such hostility – the answer being that they are oppressive, a reckless assault on local amenities, because the preposterous and wholly unreasonable size of the buildings would permanently blight the lives of thousands on both sides of the river.
- 15.59 Montevetro and Albion Wharf have already stolen precious daylight and sunlight from properties in the vicinity of Morgan's Walk. The proposed development would not only overshadow the Thames in the evening but would obscure the sunset for those living in Morgan's Walk. The residents would be overlooked by hundreds of apartments on the other side of the river. Traffic in the area has recently got dramatically heavier and slower, partly because of Montevetro and Albion Wharf. Given also the proposed school at Lots Road, it is irresponsible of the planning authorities even to think about allowing development at the density proposed. Public transport, shopping, education, health, policing and social services will become more crowded, slower, poorer or more stressful.
- 15.60 The site must be redeveloped – but not on the scale proposed. Only if one disregards the surroundings, both buildings and people, can the proposed development begin to seem reasonable – but they cannot be disregarded.

Miss Annie Edwards spoke on behalf of the **Campaign for Fair Play Residents' Association**.^B

- 15.61 It is strange that Sir Terry Farrell, whilst being credited with healing the damage done to the urban fabric in the 1960s by his new building to replace the Marsham Street Towers, has designed two towers for the historic Chelsea riverbank with no concern for the context of an essentially residential area. There has always been the potential for imaginative redevelopment of the Lots Road area – and the proposals for the power station are to be commended – but the proposed towers would contaminate the riverbank, environmentally, aesthetically and historically. How can they have been conceived in this more enlightened and sensitive age, which is mindful of the mistakes of the 1960s? They would make the World's End towers, dating from around that time, look positively friendly. Remove the towers from the scheme and there would be room for more public open space, which London badly needs.
- 15.62 Montevetro, not a widely supported building, was allowed because it would fit in with the Somerset towers, unsightly buildings the likes of which have been demolished elsewhere. Now, it is argued that this proposed development will bring well-conceived contemporary urban design, including the two towers, to improve the local townscape. How can that be so? Surely what is closer to the truth is that the towers will dominate the skyline, sideline a landmark building (the power station) and compete with historic buildings along the riverside. They would destroy historic views painted by Turner, Whistler and Monet.

^A Document O/19.

^B Document O/20.

- 15.63 Circadian's proposals contravene numerous government and borough guidelines on matters such as public transport, infrastructure, density and open space. It is surreal, when concerns are raised about traffic problems that would be exacerbated by the enormous influx of residents that the development would bring, to hear it argued that the area is not already over-stretched. The Lots Road area has regenerated itself over the years. It is now something of a village within the urban area. The contemporary design of the proposed towers bears no relation to the surrounding area. If more housing is required, it should be built on a human scale, complementing the surrounding area.

Mr John Rawnsley spoke for Ms Paloma Barcella.^A

- 15.64 The site has potential and is in need of development but the proposed oversized scheme would not enhance the quality of the Borough or the life of its inhabitants. The future of the surroundings will be determined by how the site is developed. It requires public spaces to be enjoyed, lived in and loved. The power station is a monument and should become a symbol of the Borough. Yet it would be dwarfed by the proposed towers and turned into a shopping mall. All that is asked is a design that RBKC will be proud of.

Lady Dido Berkeley, assisted by Mr Alex Goodman, spoke for the River Thames Society.^B

- 15.65 Lady Berkeley is Vice-Chair of the Society and planning officer for the Central Tideway and Estuary Branch. The Society's aims are – to protect the natural beauty of the river, adjacent lands and buildings of historic and architectural interest and to promote nature conservation; to support and contribute to the efforts of other organisations with similar interests in the river; and to preserve and extend amenities and to encourage the use of the river for all purposes.
- 15.66 The River Thames is dying, suffocated by piecemeal unsustainable development which has not looked at the long-term needs of a working river for London's wider community. The cumulative effect is that, while the shipping, boating and marine industry is growing elsewhere in Britain, it has suffered neglect and under-investment in London over the last three decades.
- 15.67 The Thames's five key functions are drainage and water supply, as landscape, for open space and ecology, as a transport artery and for leisure, recreation and tourism. But everything along the river is in decline, apart from residential development and the ubiquitous windswept Thames Path, devoid of people or river-use activities. Having been encroached on over time, the Thames, with its vital open space and public realm, simply cannot be narrowed any more. The time has come to put an end to the insidious cumulative loss of riverside needs, marine infrastructure and key functions and to take responsibility to hand a thriving river down to future generations.
- 15.68 The application site is an important opportunity for helping to regenerate and rejuvenate the Thames as a working river. It is half way between the World Heritage Sites at Kew Gardens and the Palace of Westminster. The Lots Road Power Station is a powerful landmark. It symbolises the importance of the river to London – as a working river, as a transport artery bringing life, culture and wealth to the capital and as a contributor to the dominance London still holds on the world stage. The quayside here should be bustling with boats and riverside activity. The creek should be a safe haven from the fast-flowing currents of the river.

^A Document O/21.

^B Documents O/22 and O/23.

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- 15.69 The Mayor recognises the importance of the Thames in the London Plan. But the approach of the promoters in their evidence is misconceived. Their starting point is to consider the proposals and then look for policies which, on their face are relevant to them. Consequently, a raft of significant policies to do with the use of land for purposes connected with the river is inadequately addressed. The London Plan places the Blue Ribbon Network (BRN) policies at the centre of the Mayor's vision and objectives in a way that the draft of 2002 did not. The starting point must be to address how a riverside or waterside location might be used for river functions. The evidence for the proposals fails to do this. It fails to acknowledge the centrality of the BRN policies to the Mayor's vision for London. Nowhere is any specific consideration given to the conformity or non-conformity of the proposals with various BRN policies.^A
- 15.70 The BRN policies are crosscutting policies. Policy 4C.1 provides that the strategic importance of the BRN should be recognised when considering applications and that decisions should be based on BRN Principles. Policy 4C.2 provides that development and the use of water and waterside land along the BRN should respect resource considerations and natural forces in order to ensure that future development and uses are sustainable and safe. This ties in with Policy 4C.12, which provides that the uses of the BRN and land alongside it should be prioritised in favour of uses specifically requiring a waterside location. Policy 4C.13 encourages new development facilities that increase the use of the BRN for passenger and tourist traffic. Policy 4C.14 supports development and facilities that increase the use of the BRN to transport freight. Policy 4C.16 encourages sport and leisure use. Policy 4C.18 encourages new waterway support facilities, infrastructure and activities supporting use and enjoyment of the BRN. Policy 4C.19 addresses new mooring facilities. Policy 4C.20 seeks a high quality of design for all waterside development. Policy 4C.21 provides that development should be attractive and appropriate. Policy 4C.24 recognises the essential role of the Thames and promotes greater use for transport and water-based leisure uses.
- 15.71 Many kinds of development which would be in conformity with these BRN policies have not been considered. The BRN policies do not envisage developments of housing with collateral benefits to the community – they envisage developments prioritised in favour of uses that would benefit a working thriving river. First priority should go to tourism, recreation, education, transport and freight on the precious sites, including this one, that provide opportunities for those uses. If such sites are not safeguarded, the cumulative effect of ignoring them will be that the uses will become completely impractical.
- 15.72 Facilities for boat users – places to moor, providing somewhere to get food and drink and to use showers and toilets – are badly needed on this stretch of the Thames. The creek has potential as a dinghy park but the proposals offer scant facilities for stopping off with a dinghy. The land could be used for small businesses associated with boats, for boat repairs and a chandlery, and to provide for fresh water and sewage discharge. The dormant wharf could be re-activated with help to ensure that freight became a viable alternative once again. The creek would be ideal place for narrow boats connecting from the canal network to stop and moor. And any number of tourism uses can be envisaged. Access to the river means to the river itself, not just to walkways and cycle routes alongside it. LBHF is the only riparian borough without a single point of access to the river. Housing on the site should be well set back from the river and creek to allow riverside business and activity to be prioritised.

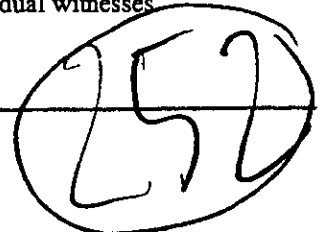
^A Document CD174 – Chapter 4C addresses the BRN; Policies 4C.2, 4C.12, 4C.13, 4C.14, 4C.18, 4C.19 and 4C.24 are not considered; Policy 4C.20 is conceded to be central but seems poorly understood.

- 15.73 Instead of that, the canoeing which is to be supported by the development is of limited significance in the context of the wider needs of the river as a whole. And the terracing and bridges would prevent boats from entering the creek by restricting both the depth of the water and the height of the clearance. There has been no attempt to bring forward any proposal which genuinely meets the needs of the river. This is a flaw at the heart of the proposals. The evidence presented by the promoters fails to engage with the relevant BRN policies, adequately or at all, either individually or collectively.^A
- 15.74 The failure of the Environmental Statement (ES)^B to address the short or long term needs of the river is a matter of serious concern. There is insufficient information in the ES to make a decision on the proposal. The precautionary principle should be applied.
- 15.75 The impact of noise from boats on housing development can be very detrimental. The site is an inappropriate one for housing because of its proximity to the water and the impact the use of the river would have on the housing.
- 15.76 The failure of the evidence to address issues of sustainability is critical. Chapter 2 of the RBKC UDP places the question of sustainable development crucially within the context of Agenda 21. It advocates a more sustainable approach to waste and, in particular, 'to safeguarding riverside sites for waste recycling, treatment and transfer facilities which are seen as having the potential to play an integral part in a future river-based waste management system.
- 15.77 The proposals fail to conform to the transport policies of the London Plan and the policy guidance in PPG13 by failing to take the opportunity presented by the riverside location. The site provides a natural harbour and quayside but the proposals would actually reduce its potential use, thus failing to relieve pressure on the congested surrounding roads. Not to make use of the dormant harbour fails to 'extend choice of transport ... that supports sustainable development'.^C The scheme fails to promote transport choices for people and freight, fails to promote any change of emphasis between transport modes and thus fails to reduce the need to travel by car. There are car parks in the scheme – but no dinghy park and no provision for residents to keep a boat.
- 15.78 Damage to and loss of waterway facilities have already strangled the boat and maritime industry. Boats have been squeezed off the river. A whole generation of river neglect has caused almost irreversible harm to the marine industry and its vital infrastructure. The proposals would continue that trend despite the policy approach of PPG13 and the London Plan. It is unsustainable and unacceptable to block and ignore the major marine infrastructure at the site and invest instead in off-site water transport. Investment on-site and off-site are both critical to ensure rejuvenation of sustainable river transport for both people and freight. Far from opening up the waterways and river, the proposals would have the effect of severing the site from any useful water-based purpose in the future.
- 15.79 The proposals should be refused as representing a serious disbenefit to the needs of the river, both now and in the future. They fail to address the impact of closing down the site to river-based transport and leisure use. They fail to accord with key sustainable and waterway transport objectives and policies in PPG13. They fail to accord with the BRN policies of the London Plan. They would be detrimental to the character of the river because they would change its use and diminish its heritage. And they would be

^A Document O/22 – paras. 60-89 deal comprehensively with the evidence from individual witnesses

^B Document CD54.

^C Document CD130 (PPG13) – from para. 2.



detrimental to the character of London by virtue of reducing and jeopardising the river uses that are fundamental to that character.

- 15.80 The evidence of the River Thames Society should carry a great deal of weight because it is the only evidence based on an understanding of the context of the local and wider historic, economic, social and environmental aspects of the River Thames as a living working river. Circadian's approach to the development is from the wrong direction – from the land instead of from the river.

Mr David Fisher spoke as Chairman of the Paultons Square Residents' Association.

- 15.81 The sheer size of the proposed development, its bulk, particularly the towers, would be wholly out of keeping with the surrounding area. The height of the towers would dwarf the surrounding area. They would be visible from Paultons Square, particularly its west side, and they would inevitably cast a shadow – which would be much worse for those living close by. The density would be unacceptable, particularly when counted with Imperial Wharf and other developments, some completed, some being built.
- 15.82 The lack of public transport would mean an inevitable increase in the numbers of cars on the roads. There has already been a steady increase over the years, particularly on King's Road, which would most likely be brought to a standstill. The insufficiency of local amenities also counts against the proposals. Doubtless there would be efforts to improve them – but they are totally inadequate for the influx of residents that would result from the development.
- 15.83 If built, the scheme would act as a precedent for future development. If there is, or would be, a cluster of tall buildings, then that would be justification for others to follow.
- 15.84 What would be the benefits for this part of Kensington and Chelsea? None have been put down on paper. No local residents seem to support the proposed development. This is a very attractive area, rich in fine architecture. Its residents have a sense, better than most, of what would be best for it. The proposed development is not it.

Mr Arthur Tait spoke as Chairman of the Friends of Brompton Cemetery.^A

- 15.85 The Friends have the support of the Royal Parks, as managers, in helping to promote and improve all aspects of the Cemetery. The Friends support the evidence of RBKC.
- 15.86 The Cemetery is a lung of green open space in a heavily populated part of London with no other open space in easy reach. It is a Conservation Area. Thousands of people visit it every year. The two proposed towers, particularly the 37-storey tower, would clearly damage the historic vistas from the Cemetery. The Conservation Area Proposals Statement specifically warns against just the sort of visual intrusion to be seen in the views brought in evidence by Circadian. The suggestion that the appearance of the towers in some views would be beneficial is completely and utterly refuted. The taller tower would jar with the carefully planned layout of the Cemetery. It would be visible where the power station chimneys are not.
- 15.87 The Cemetery is, in effect, an open air cathedral. It would be curious to inflict on those within a cathedral an intrusive, incompatible, illogical design feature. Here, the altar of the open air cathedral is the Anglican Chapel and the tower would be seen alongside or against its silhouette. The Chelsea FC stadium has been described as an 'ungainly

^A Document O/24.

interloper', overlooking part of the Cemetery. It was a highly regrettable development from the Cemetery's point of view – and makes it important not to add another. Two wrongs cannot make a right.

Councillor Keith Cunningham is a resident of Stanley Ward, adjacent to Lots Road.^A

- 15.88 It is a commonly held belief that engineering solutions are usually possible to alleviate any given set of transportation problems. That is not so here. The junction of Lots Road and King's Road is already near to capacity in the morning peak and the junction of Lots Road, Cremorne Road and Cheyne Walk is a cause for concern at certain times of day. Other nearby developments (Imperial Wharf and Chelsea Academy in particular) will also impact on these junctions. That is why some councillors wished to go further than the committee as a whole and reject the proposal on transportation grounds.
- 15.89 The density of the scheme before committee in October 2003^B was 667hr/ha. The agreed figure for the whole scheme, excluding the creek, is 711hr/ha but that rises to over 800hr/ha on the RBKC part of the site. The RBKC UDP says that the very high density of 350hr/ha can only be justified for townscape reasons. Even the conversion of the power station results in a density of 411hr/ha, well in excess of the UDP maximum. The effect of such high densities will be pressure on car parking spaces, significant traffic generation and additional service traffic.
- 15.90 Kensington and Chelsea already has the highest population density in western Europe. The provision of open space and play space for children is thus particularly important. It is already poor in the south of the Borough. People go to Brompton Cemetery because they have nowhere else to go. The proposed scheme does not adequately address open space and play space provision. The Imperial Wharf development is also deficient in this regard. Taken together, very little will materialize from the two schemes in what is already the most densely populated part of London.
- 15.91 Overall, and despite the views of the Mayor, CABE and English Heritage, the proposals amount to a massive over-development which should be refused on the grounds of height, transportation and density.

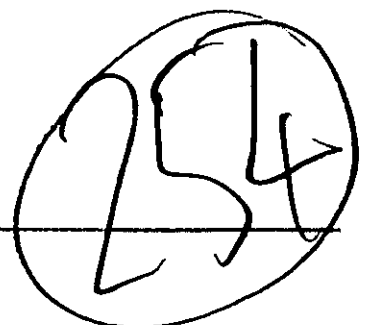
Mrs Kate Phillips spoke on behalf of the Ashburnham Parent and Toddler Group.^C

- 15.92 She endorsed the points made by the LRAG and by Cllr Kingsley on the disposal of harmful materials from the site.
- 15.93 Parents in the area are extremely nervous about the disposal of asbestos from the site. There is a vast quantity of it in the power station and monitoring information on its disposal on a day-to-day basis would be justified.
- 15.94 The existing community centre, toy library and day nursery on the site of the proposed school are under threat and Westfield Park appears to be being used as a bargaining chip. Under-fives need their own safe play space away from older children, a need that should be taken seriously. A basement community centre and a day nursery without outside space, which seems to be what Circadian is offering, are not appropriate.

^A Document O/25.

^B Documents CD20, CD21 and CD22.

^C Documents O/26 and O/27.



- 15.95 Has there been a traffic study to look at the joint impact of the proposed development, the proposed school and the CCZ extension? In that context, a few extra buses and changes to the traffic lights would not make any real difference. Parents do school runs in and out of the Lots Road triangle every day. Traffic in New King's Road (east-west) and Warwick Way and Earl's Court Road (north-south) barely moves for two or three hours a day. If the proposed school comes to Lots Road, it will make things worse. And, if the CCZ extension comes, those same roads will be the new boundary and will become as bad as Marylebone Road is now.
- 15.96 Like many others, the group would welcome regeneration of the site – but not with these proposals. Also like many others, the group wonders how three years can have been spent fighting proposals that were fundamentally flawed from the start – contrary to the planning brief and the UDP as it then stood.

Councillor Steven Redman represents Cremorne Ward, RBKC.

- 15.97 He thought the proposed towers inappropriate for the site, and likely to cause serious overshadowing, but concentrated his evidence on the type of housing proposed and on transportation.
- 15.98 The proportions of market and affordable housing are to be welcomed but it seems likely that much of the market housing would be empty most of the time – just like Chelsea Harbour. Would the market housing sit well with the affordable housing? People in affordable housing require other facilities, all thin on the ground. Restaurants, a cafe and a Sainsbury's local are not enough; education and social services provision is needed as well. It would be hard to move around or get out of the area and that is where social problems begin. It is only possible to get out towards the north and east. The site has poor public transport and congested roads. The river bus cannot be taken seriously – one well-intentioned company after another has failed. The proposed development might be all right in an area where facilities and public transport exist or are capable of being provided – but not here, where it would cause social problems.

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16 WRITTEN REPRESENTATIONS

There are over 170 letters or e-mails of objection and three of support.^A Save for five specific bodies, I do no more than summarise the topics of objection and indicate the extent to which they were raised. All of the material points of objection were raised by one party or another appearing at the inquiry.

Objections

- 16.1 Over half of those objecting refer to architectural and urban design. Many object simply to the height of the proposed towers, many to the density of development overall and some to both. Around fifty object to a perceived lack of open space (taken to include public open space, play space, the bank of the Thames and landscaping). A similar number see a lack of local facilities (primarily education and health and, to a lesser extent, policing). The other relatively common cause of objection is the effect on residential amenity – daylight/sunlight/overshadowing and the effects of traffic being the principal concerns. Aspects mentioned by only a few include safety (terrorist target, proximity to helicopter flight paths and during construction), the provision and design of affordable housing, social concerns, ecology and nature conservation. There was also one letter querying the effect on the water table in the area.^B
- 16.2 **The City of Westminster** objected to the effect of the proposals on views from the Churchill Gardens Conservation Area and on the setting of Albert Bridge.^C
- 16.3 **The Metropolitan Police** objected initially but then withdrew that objection.^D The letter refers to specific matters which have either been resolved or are matters of detail thought capable of being resolved. They include defensible space and the permeability of the site, underground parking facilities, cycle storage and 'Secured by Design' issues such as door and window sets, communal door locking and access control, and also CCTV.
- 16.4 **The Environment Agency** also objected initially but then withdrew its objection, saying it is now satisfied with amendments made to the scheme. A Position Statement explains the withdrawal and why it seeks conditions on certain matters (ecology, flood defence, recreation and contamination).^E

Support

- 16.5 **English Heritage** wrote^F confirming the 'broad support for the proposals' previously given and noting that a management agreement between it and Circadian^G would secure protection of the important elements of the power station.
- 16.6 **CABE** wrote to set out its earlier involvement with the project, attaching copies of its earlier letters.^H In essence, it has always supported the broad principles of the project and considers that amendments over the period have resulted both in a successful sequence of spaces and in locations and heights for the two towers that work well.

^A Documents CD8 and G/4

^B On which a response from Circadian allayed any fears I might have had.

^C Document G/4(1)

^D Document G/5

^E Document G/6

^F Document G/7(1)

^G Document A/10

^H Document G/7(2)

