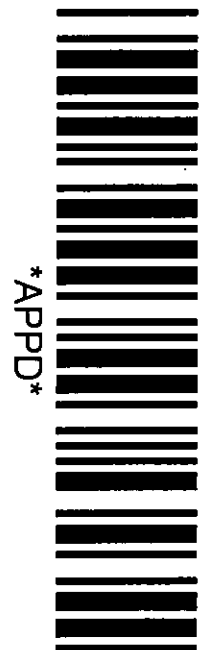


**ROYAL BOROUGH  
OF  
KENSINGTON & CHELSEA**

**DOCUMENT SEPARATOR**

**DOCUMENT TYPE:**

**APPEAL DECISION**



**\*APPD\***

## 17 CONDITIONS AND OBLIGATIONS

### Conditions

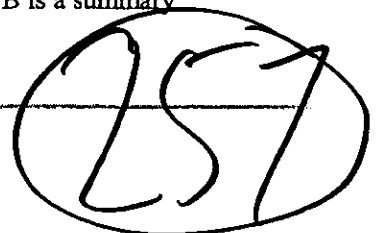
*I held a discrete session on the suggested conditions on 25 February 2005. I give here the gist of what was said then, confined to the purpose of the conditions rather than their construction. Conditions suggested by the parties are mostly combined as Document CD15. Documents CD15(1) and CD15(2) have the same conditions but have hand-written comments on the LBHF and RBKC conditions respectively. Duplication arises between Documents CD15(2) and CD15(3) because the latter are RBKC's originally proposed conditions. Document LR3 contains matters suggested for conditions by LRAg. The conditions I recommend, should the application be granted and the appeal allowed, are at Annex C.*

- 17.1 Condition 1 has the usual commencement period of five years for the LBHF application but seven years for the RBKC appeal. Circadian explained that this was due to the long construction programme, starting on the LBHF site,<sup>A</sup> and to avoid, should there be delay, having to make a section 73 application to extend the period. RBKC disagreed with a seven year period, noting that only one thing would need to be done to keep the permission alive. Circadian suggested that a premature start, in order to satisfy the condition, would trigger unreasonable and disproportionate section 106 contributions.
- 17.2 RBKC condition 5 in Document CD15(2), to secure two parking spaces for Kensington and Chelsea Community Transport buses, is shown deleted by Circadian but still sought by RBKC, which pointed out that Circadian had included that provision in the original ES.<sup>B</sup> Circadian responded that the provision was not included in either the updated ES or the Statement of Common Ground.
- 17.3 RBKC condition 9 in Document CD15(2), restricting the largest unit on the ground floor of the power station building to use as a foodstore, is also shown deleted by Circadian. The latest ground floor plan, which annotates a number of units for 'A1/A2' use, is an amendment submitted on 10 January 2005. The original plans showed A1 only and it had always been understood that the large unit would be a foodstore. RBKC considered that to ask, as Circadian did, where there was evidence to justify a restriction to retail or foodstore use was not to the point – Circadian had adduced no evidence on the need for the late amendment. RBKC simply did not accept the amendment – the problem could, however, be overcome by retaining the condition to restrict the use. The same applied to A1 use of other units. RBKC drew attention to its conditions 9 and 23 in Document CD15(3). For Circadian, it was argued that there was potential for all of the units to go to A1 use or all to A2 use. The A1/A2 annotation was a flexible and positive way to approach that compared with the rigid and restrictive RBKC conditions.
- 17.4 A general point made by Circadian was that conditions requiring the prior approval of details should be geared to the phasing of the development – for example, prior to a start to construction of specific buildings.

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<sup>A</sup> Document A/DW/A – Appendix A is an outline construction programme; Appendix B is a summary construction programme; both assume a start in January 2006.

<sup>B</sup> Document CD50 – Appendix H at para. 5.31.



## Obligations

*Various draft versions of obligations were available during the inquiry. Final drafts were the subject of discussion on 25 February 2005. Completed versions were not available by the close of the inquiry on 26 April 2005 – but only because they were still in the process of being signed and sealed. I agreed to accept them as long as they were submitted by 6 May 2005, which they were. There are three obligations – an agreement with RBKC and TfL, Document CD16(1); an agreement with LBHF and TfL, Document CD16(2); and an undertaking to LBHF in respect of affordable housing, Document 16(3). The undertaking avoids a procedural difficulty on LBHF's side and has the full agreement of LBHF.*

- 17.5 It seems unnecessary to repeat here what is readily found in the documents themselves. The agreement with RBKC and TfL has the specific obligations at clauses 9-58 (pp.12-27) with a draft Travel Plan, the English Heritage Management Plan, Design Quality Standards, a Phasing Plan and a Chelsea Creek Management Plan all the subject of schedules. The agreement with LBHF has the specific obligations at clauses 9-45 (pp. 10-21) and, save for the English Heritage Management Plan, the same schedules. The provision of affordable housing on the RBKC site is an obligation in the agreement with RBKC and TfL; for the LBHF site, it is dealt with in a unilateral undertaking.
- 17.6 Relevant to the discussion on the absence of a condition securing parking for Kensington and Chelsea Community Transport buses, clause 24.6 in the RBKC agreement ensures provision of off-street parking for group transport vehicles, in accordance with approved details, before occupation of any units.

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## 18 ENVIRONMENTAL STATEMENT

- 18.1 The original Environmental Statement (ES) was submitted in December 2002 and a regulation 19 amendment submitted to RBKC and LBHF in March 2003.<sup>A</sup>
- 18.2 Following the pre-inquiry meeting, and an invitation shortly prior to that by Circadian, I recommended that the First Secretary of State make a regulation 19 request for a further update of the ES. The update was submitted in November 2004.<sup>B</sup>
- 18.3 Amendments to the proposals were submitted on 10 January 2005, which I accepted for the purposes of the inquiry itself. I considered those amendments to be minor and not such as to warrant a further update of the ES. Initially, Circadian took the 'provisional' view that this was correct.<sup>C</sup> During the adjournment of the inquiry, however, it reflected that it would be prudent for the First Secretary of State to make a regulation 19 request for a further update<sup>D</sup> to ensure that the ES:
- fully reflected the amendments of 10 January 2005,
  - included a full description of the SITS package in the section 106 obligations, and
  - addressed the question of alternative developments to the scheme proposed.
- 18.4 The last of these points arose from evidence by Lady Berkeley on behalf of the River Thames Society. Circadian thought that the ES complied with the requirements of the 1999 Regulations in this respect – thus, it took the view that an update, rather than rectifying a defect, would address the matter more satisfactorily in the public interest.
- 18.5 RBKC considered the November 2004 ES deficient in that it failed to reflect the section 106 package which forms part of the project.<sup>E</sup> It felt that all of the obligations in the SITS package should be included in the ES, noting that all three planning authorities had at all times contended that all of the section 106 obligations were necessary to any grant of consent. GLA and LBHF agreed with RBKC's position on the SITS package.
- 18.6 After the close of the inquiry, I recommended that the First Secretary of State make a regulation 19 request for an update of the ES in the terms suggested. I understand that the amended ES has been submitted. I did not need to see it as the amendments to be made did not affect the evidence to the inquiry leading to my recommendations in this report on the application and appeal.

<sup>A</sup> See Documents CD47-CD51.

<sup>B</sup> Document CD53 is the regulation 19 request;  
Document CD54 is the updated ES, Documents CD55-CD75 its Appendices; in this report, I refer only to the updated ES.

<sup>C</sup> Document A/17.

<sup>D</sup> Document A/18.

<sup>E</sup> Document KC/4.

## 19 CONCLUSIONS

### Format

- 19.1 I indicated early in the inquiry that I expected to write my report on the basis of the matters set out in the call-in letter but in the following order – firstly, matter (c), PPG3; secondly, matters (f) and (g), PPS1 and PPG15, taken together; thirdly, matter (d), PPG13; fourthly, matter (e), PPG17; and fifthly, matter (h), PPG9. I shall address relevant policy while reporting on each of these so that matter (a), the London Borough of Hammersmith & Fulham Unitary Development Plan (LBHF UDP), matter (i), the Royal Borough of Kensington and Chelsea Unitary Development Plan (RBKC UDP) and matter (b), the London Plan, can then be taken briefly. Finally, I shall deal with matter (k), other material considerations, and matter (j), conditions (and obligations), before drawing my overall conclusion. Closing submissions by the main parties, on which the gists of cases above are based, took the suggested order into account.
- 19.2 Matter (f) was originally framed in terms of PPG1, which was superseded by PPS1 on the first day of the inquiry. I have amended the wording accordingly, although the definition of urban design in PPG1, which I consider to be sound and useful, is not repeated in PPS1.
- 19.3 Matter (i) was phrased in relation to the called-in application on the LBHF site. Since the inquiry considered the appeal on the RBKC site, I have amended the wording to refer to the RBKC UDP in the same way as matter (a) refers to the LBHF UDP.
- 19.4 Superscript numbers within these Conclusions refer to earlier paragraphs of this report. Alternatively, I use alphabetical footnotes to refer both to earlier paragraphs and, where it would be helpful, to inquiry documents.

### *A single scheme*

- 19.5 I agree with Circadian<sup>6.10-11</sup> that the proposals must be viewed as a single scheme, which required two applications simply because the site straddles the boundary between two administrative areas – RBKC and LBHF. The Environmental Statement (ES) has been prepared for the whole scheme. I do not believe it is open to the First Secretary of State to grant planning permission on one application but not the other. My recommendation will be the same for both the application and the appeal, based on my appraisal of the scheme as a whole.

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**Matter (c) – whether the proposal is in accordance with national policy contained in PPG3 *Housing* in relation to questions of land use and the re-use of previously developed land, density, the desirability of facilitating a mix of land uses, the quality of the residential environment and the need to create mixed communities through the inclusion of affordable housing**

***Land use***

- 19.6 There is no dispute that the land is suitable for housing.<sup>A</sup> The LBHF part of the site is identified in the LBHF UDP<sup>3,6</sup> as Site 22A, Chelsea Harbour 2, a mix of residential and open space use being said to be appropriate.<sup>B</sup> The site benefits from the extant planning permission for phase two of the Chelsea Harbour development.<sup>C</sup> The RBKC part of the site is identified in the RBKC UDP<sup>3,4</sup> as Site 17, the Lots Road Electricity Generating Station, on which residential and other uses would be acceptable. Policy H15 requires a substantial proportion of total housing provision to be on sites such as this one, identified on the Schedule of Major Development Sites.<sup>D</sup> The schedule indicates that there is a planning brief; it was adopted in 1998,<sup>3,5</sup> acts as supplementary planning guidance and seeks 'a primarily residential environment'.<sup>E</sup> Lady Berkeley's objection<sup>15,65-80</sup> (for the River Thames Society) is not so much to the use of the land for housing as to whether, in proposing housing, there is a failure to cater properly for the needs of the Thames as a working river; I consider that in relation to matter (b) below.

***Re-use of previously developed land***

- 19.7 The proposals would self-evidently bring the re-use of previously developed land. The power station has been decommissioned and the buildings and land within the site are vacant and disused. It is only the nature of the proposed redevelopment that is disputed.<sup>F</sup>

***Mix of uses***

- 19.8 The proposals would also bring a mix of uses, even though residential use would be by far the predominant one. The converted power station would provide Class A1/A2 (shops and financial and professional services)<sup>G</sup> and A3 (food and drink) uses, a doctor's surgery and a community space (to be offered to the Ashburnham Community Association) on the ground floor and Class B1 (business) floorspace on the first floor. Building KC2A would provide a nursery and also workshop space at ground floor level.<sup>H</sup> Both towers would have a residents' gym at ground floor level. There would be no other uses (save open space, a children's play area and the gym) on the LBHF site.<sup>I</sup>

***Affordable housing and mixed communities***

- 19.9 There is no dispute about the proportions of affordable housing to be provided. They amount to 39% on the RBKC site and 56% on the LBHF site<sup>6,61</sup> – 47% overall. RBKC,

<sup>A</sup> For example, paras. 6.47 (Circadian), 7.1 (GLA), 8.3 (LBHF), 10.1 (CHRA).

<sup>B</sup> Document CD222 – p.312.

<sup>C</sup> Document CD13 – Circadian refers to the extant planning permission as its fall-back position (paras. 6.26-36).

<sup>D</sup> Document CD199 – the Schedule of Major Development Sites at p.366 and Policy H15 at p.115.

<sup>E</sup> Document CD206 – para. 1.13 on p.7.

<sup>F</sup> For example, paras. 6.47 (Circadian), 7.1 (GLA), 8.3 (LBHF), 10.1 (CHRA), 14.8 (WLRG) and 15.1.

<sup>G</sup> RBKC takes issue with the way use are defined on the latest plans for the ground floor of the power station (Document CD3 – the plan at p.13); I deal with that below under matter (j), planning conditions.

<sup>H</sup> Document CD3 – the plans at pp. 13 and 14.

<sup>I</sup> Document CD2 – the plan at p.12.

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LBHF and the Greater London Authority (GLA) are all content with the amount and type of provision,<sup>A</sup> which would be secured by the executed section 106 obligations.<sup>B</sup> In addition to the contribution that affordable housing can make in helping to create a mixed community, the permeability of the site achieved by the proposals, which I consider in relation to matter (f) below, would integrate the development into the surrounding area (and, indeed, could help to integrate the somewhat disparate parts of the surrounding area).

### *The nature of the objections*

- 19.10 The two sources of objection, by local groups and individuals, are to the density of the proposed development and the effect the proposals would have on the existing residential environment. RBKC's objection to the height of the proposed towers is not to do with density and any impact on the residential environment arising from its objection is purely to do with visual impact, which I look at in relation to matters (f) and (g) below.

### *Density<sup>C</sup>*

- 19.11 Circadian says that the fundamental question is 'whether developing the site in the manner proposed would be in any practical sense unsustainable – whether, for example, it would impose any undue strain on local infrastructure, services and facilities'.<sup>6.55</sup> I agree that, if the answer to this question is 'no', it would be difficult to conclude that the proposed density of development is too high. GLA makes the same point.<sup>7.14</sup>
- 19.12 In the first instance, however, the site's public transport accessibility level (PTAL) must be considered a useful indicator. PTAL was devised by LBHF in 1992 and has been developed and included in the London Plan to help maximise the potential of sites under Policy 4B.3.<sup>D</sup> It is described as 'a strategic framework for appropriate densities at different locations' and 'as a tool for increasing density in situations where transport proposals will change' the PTAL.<sup>E</sup> Accordingly, it should be applied with judgement.<sup>7.17</sup>
- 19.13 PTAL is derived, in essence, from the accessibility of different modes of public transport (the distance to them from the site) and the frequency of those modes. It takes no account of the destinations of services, or the speed of interchange to other services. It assumes an average walking speed of 4.8kph (3mph) and a maximum walking distance of 640m (8 minutes) to bus services and 960m (12 minutes) to rail, underground or light rail services. It takes no account of the fact that people may well choose to walk further to slightly more distant transport options.<sup>F</sup> Thus, the PTAL calculation for the site excludes Fulham Broadway underground station and some bus services on Fulham Road because walking time to them exceeds the defined maxima. A slightly faster walking speed would bring those destinations within the ambit of a PTAL assessment but I consider 3mph to be a perfectly reasonable and sensible average speed to adopt.
- 19.14 The existing PTAL for the site is 2.<sup>7.18</sup> That would be increased by the sustainable and integrated transport improvements (SITS) package, which is secured by the section 106

<sup>A</sup> Paras. 7.29 (GLA) and 8.4 (LBHF); RBKC objects only to the height of the towers.

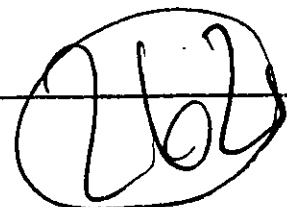
<sup>B</sup> Document A/16(1) – clause 47.  
Document A/16(3).

<sup>C</sup> See paras. 6.52-58 (Circadian), 7.13-23 (GLA), 10.11-18 (CHRA), 13.12-15 (Chelsea Society), 15.2, 23 and 56.

<sup>D</sup> Document CD174 – pp.176-177.

<sup>E</sup> Document CD174 – paras. 4.45 and 4.46 on p.176.

<sup>F</sup> Document CD291 is a summary guide on measuring PTALs.



obligations, to between a high 3 and a low 4.<sup>A</sup> Circadian argues that the PTAL would increase to 4 on the standard calculation methodology,<sup>6,57</sup> assuming four trains an hour on the West London Line (WLL) and four services an hour on the river taxi.<sup>B</sup>

- 19.15 If the PTAL is no higher than 3, and with parking provision of less than one space per unit in a development mostly of flats, then a density of 100-150u/ha (units per hectare) or 300-450hr/ha (habitable rooms per hectare) would be appropriate in an urban location. Sites achieving PTALs of 2 or 3 are defined as 'along transport corridors' or 'close to town centres', whether urban or suburban in type. For a PTAL of 4 or more, density could rise to 165-275u/ha or 450-700hr/ha in an urban location. If the location was considered as 'central', it could rise to 240-435u/ha or 650-1100hr/ha. Sites with a PTAL of 4 or more are defined as within ten minutes' walking distance of a town centre, whether central, urban or suburban in type.<sup>C</sup>
- 19.16 Is this site 'urban' or 'central'? Draft supplementary planning guidance (SPG) defines the site as part urban, part central.<sup>7,22</sup> Judgement must, however, be applied to that too. One of GLA's witnesses regarded it as urban, noting the character of its surroundings.<sup>7,22</sup> The site is barely within ten minutes' walk (at 4.8kph)<sup>D</sup> of King's Road (West), defined as a district centre in the 'town centre classifications' in the London Plan<sup>E</sup> and as a principal shopping centre in the RBKC UDP.<sup>F</sup> The text supporting Policy 4B.3 and Table 4B.1<sup>G</sup> is illuminating – 'central' is defined as 'very dense development, large building footprints and buildings of four to six storeys and above, such as larger town centres ...'; 'urban' is defined as 'dense development, with a mix of different uses and buildings of three to four storeys, such as town centres, along main arterial routes and substantial parts of inner London'. While Chelsea Harbour might have the type of building more closely described in the definition of 'central', I am in no doubt that the site of these proposals is better described as 'urban'.
- 19.17 That being so, one might anticipate development density of around 150-165u/ha or around 450hr/ha (the upper end of the range for urban PTAL 3, the lower end for urban PTAL 4).<sup>H</sup> What is proposed, for the site overall, is a density of 175u/ha (559hr/ha) if the creek is included in the site area, 223u/ha (711hr/ha) if it is excluded.<sup>I</sup> In my opinion, density should be calculated excluding the creek, since I do not consider that it can count as 'incidental open space and landscaping'.<sup>J</sup>
- 19.18 Accordingly, while a conclusion should be based primarily on assessing the impact the proposed development would be likely to have on local infrastructure, services and facilities, this preliminary assessment suggests that its residential density may be rather too high, in terms of Table 4B.1 in the London Plan, for the area in which the site lies.

<sup>A</sup> Document CD12(1) – para. 2.24.

<sup>B</sup> Document A/HW/P – para. 2.40, with the calculation in Document A/HW/A at Appendix HW-4.

<sup>C</sup> Document CD174 – all of the figures and definitions in this para. come directly from Table 4B.1 on p.176.

<sup>D</sup> Scaling from the UDP Proposals Map, it is about 720m (9 minutes) from the very nearest point of the defined shopping centre to where the easterly entrance to the power station building from Lots Road would be.

<sup>E</sup> Document CD174 – Table A1.1 on pp.A3-A5.

<sup>F</sup> Document CD199 – Map 13 on p.393.

<sup>G</sup> Document CD174 – para. 4.47 on p.177.

<sup>H</sup> This may be compared with what CHRA and the Chelsea Society suggest at paras. 10.14 and 13.13 respectively.

<sup>I</sup> Document CD11 – the figures come from paras. 7.19-20 on p.33, save for 711hr/ha, which is my calculation based on the site areas given at para. 2.2 on p.2.

<sup>J</sup> Document CD174 – para. 4.48 refers says that density should be based on 'net residential area' and refers to PPG3 (Document CD124), which addresses 'net site density' in Annex C on p.28.

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- 19.19 The approach Circadian urges, and with which I agree, is taken by Policy HO7 in the LBHF UDP, which will permit higher density development subject to it satisfying five criteria. The RBKC UDP takes a more negative approach. Policy H12 resists housing at 'very high densities' unless it is necessary for townscape reasons. This seems to me to conflict not only with the more recent London Plan but also with the tenor of the advice in PPG3.

### *Residential environment*

- 19.20 Almost no one took issue with the quality of environment that would be created for residents of the proposed development. The GLA commented<sup>7,24-28</sup> on the location, the creation of diverse architectural shapes, the banishment of vehicles from within the site, the multi-functional spaces and recreational areas and the mix of uses.
- 19.21 Councillor Bird<sup>15,19-23</sup> thought that a 'tower block estate' would be a 'social disaster'. There is, of course, general experience of the failings of high-rise social housing built in the 1960s and 1970s<sup>15,61</sup> – but no indication of why those problems should manifest themselves in a mixed development of the type proposed. He criticised the layout and outlook of the proposed affordable housing but it is certified as meeting Housing Corporation standards,<sup>A</sup> with which I am not inclined to argue. He also thought the underground parking inappropriate but his criticisms seem to me a management matter rather than a difficulty of principle.
- 19.22 The question was raised of noise (evident at my site visit<sup>2,14</sup>) from the SITA waste transfer station adjacent to the north-east boundary of the site – but I consider that matter satisfactorily addressed by the internal layout of the flats in Building KC2A and by the conditions that could be imposed on window and ventilation design to ensure adequate noise attenuation within Buildings KC1 and KC2A.
- 19.23 Objections based on harm to the residential environment of those living in the vicinity fell under five main headings: visual impact; daylight, sunlight and overshadowing; traffic and parking; open space and its use; and pressure on other local services and facilities. I deal with these under matters (f), (f), (d), (e) and (f) respectively.

### *Conclusion on matter:PTAL*

- 19.24 I find that the proposal accords with national policy in PPG3 *Housing* in relation to land use, the re-use of previously developed land, the inclusion of a mix of land uses, the quality of the residential environment, in so far as considered above, and in the amount of affordable housing to be provided. In so doing, the proposal also accords with Policy HO5 and the intention for Site 22A in the LBHF UDP, as well as Policies H15 and H23 and the intention for Site 17 in the RBKC UDP.
- 19.25 Where it does not comply with the development plan is in relation to density. It does not accord with RBKC UDP Policy H12 – though I think little weight can be given to it in the light of the London Plan and PPG3. I also find that the proposal would exceed the density apparently appropriate for the location in Table 4B.1 in the London Plan. In my opinion, the proposal does more than 'maximise the potential' of the site, the objective of Policy 4B.3. This is not, however, a compelling objection in itself – a final conclusion must depend on whether the proposed density of development would cause harm in relation to the other call-in matters considered below.

<sup>A</sup> Document A/6.

**Matter (f) – whether the proposal is in accordance with national policy contained in PPS1 *Delivering Sustainable Development*, particularly in relation to design and urban design (as previously defined in para. 14 of PPG1)**

**Matter (g) – whether the proposal is in accordance with national policy contained in PPG15 *Planning and the Historic Environment* in so far as it affects the Sands End Conservation Area**

- 19.26 By far the greatest number of objections relates to height of the two proposed towers and their impact on views from the Thames and its banks, from the bridges across it and from the hinterland of the site. That automatically includes the effect on various conservation areas, not just Sands End, and on the settings of a number of listed buildings. Looking at matters (f) and (g) together thus avoids repetition.
- 19.27 I made extensive visits in connection with these matters – from Chelsea Bridge along Chelsea Embankment and Cheyne Walk to Lots Road, taking in the entire spans of Chelsea Bridge, Albert Bridge and Battersea Bridge; from Battersea Bridge along the south bank past the Montevetro building and St Mary's Church as far as the West London Line (WLL) bridge; to various points on the south bank west of that; to Brompton Cemetery; and in the neighbouring areas of the Lots Road triangle, Chelsea Harbour and Imperial Wharf.
- 19.28 I shall start by assessing the design principles of the scheme itself (within the site and in terms of its immediate connections – and on which there is much to commend it), then I shall consider its impact in the numerous views (including an appraisal of the merits of the towers as a landmark), before turning to the effect on the residential amenity of those already living nearby and on the provision of local services and facilities.

#### *The design of the scheme<sup>A</sup>*

##### The power station

- 19.29 The power station is neither a listed building nor in a conservation area. It could be demolished without the need for any specific consent. The planning brief is ambivalent on the matter. It indicates that demolition might offer greater scope for a successful redevelopment<sup>3,5</sup> but addresses its retention as well.
- 19.30 Circadian has chosen to retain the original building while stripping away the later accretions, particularly on the eastern gables, and demolishing the other buildings on the site. Taken in isolation, no one criticises what is proposed for the existing building. Some objectors are effusive in their praise,<sup>B</sup> correctly so in my opinion.
- 19.31 A central covered street would be created, eight storeys high, with mainly Class A1/A2 uses along it at ground floor level, plus a Class A3 unit, a doctor's surgery, a community space and the estate management office; six flats would look out over the creek; and there would be six entrances to the building – three along Lots Road, one at the eastern end and two from bridges across the creek. Where presently the building is impenetrable, it would become highly accessible, not only from within the site but also from Lots Road. Pedestrian routes from Lots Road to the LBHF site, Chelsea Harbour

<sup>A</sup> See paras. 6.67-78 and 6.91 (Circadian) and 7.24-28 and 7.52 (GLA); other references are given in the body of the text.

<sup>B</sup> For example, RBKC (paras. 9.7 and 9.28 above).

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and the riverside path would pass through it. Class B1 uses (plus seven flats) would be arranged around the central street (or atrium) at first floor level. Above that would be seven floors of residential accommodation along Lots Road, eleven alongside the creek.

- 19.32 Thus, the familiar shape of the power station would be retained but the building would be utterly transformed, both in the life that would be brought to its façades and in the way that it would (or should) become a focal point not simply for the development but for the surrounding area.
- 19.33 A small proportion of the rooms in the flats would have daylighting poorer than the acceptable level suggested in the Building Research Establishment (BRE) guidelines,<sup>A</sup> due to the physical constraints of conversion. This seems to me a minor criticism when set against the merits of the scheme.

#### The principles of layout and design

- 19.34 I am equally impressed with the overall principles of the layout.<sup>B</sup> Vehicular access would be from Lots Road and Chelsea Harbour Drive into basement car parking, leaving virtually the whole of the site car-free. There would be three bridges across the creek, one towards its mouth (acting as the continuation through the site of the riverside path) and two leading from the LBHF site through the power station building to Lots Road. The latter two would help to define what is called 'Creekside Gardens', on the south side of the creek, and, with the visual help of the D-shaped Building HF3C, would lead the pedestrian from the power station towards the Chelsea Harbour development. That is a particularly welcome design approach since the riverside path, Chelsea Harbour and Imperial Wharf would be made very much more accessible, not simply to the proposed development but also to those living in the Lots Road triangle and beyond.
- 19.35 It is not only the attractive route through the site that should be welcomed. So too should the disposition and variety of the spaces throughout the proposed development. The large and essentially hard-surfaced 'Power Station Plaza' would be contained by the power station building to its west, the creek to its south and Buildings KC1 and KC2A to its east. It would be sub-divided by the circular Building KC2B into spaces relatively enclosed and open in character and it would have access from Lots Road, the power station building and one of the bridges across the creek – it would be part of one of the routes through the site. On the south side of the creek, 'Creekside Park' would be a linear park along the south bank of the creek, itself the subject of extensive works; it would open up into 'Creekside Gardens' towards its centre-point. 'Riverside Square' would be a more formal space, open to the river but enclosed on its landward sides by Buildings HF1, HF2, HF4 and HF5.
- 19.36 There is criticism of the fate of the avenue of trees close to the Chelsea Harbour boundary, which is protected by a tree preservation order.<sup>10.56</sup> I very much doubt that both rows of trees could be kept; the more easterly would, I suspect, be far too close to Building HF5 to survive. The other row could survive, but would be in private gardens rather than public open space. While that may be regrettable, it should also be remembered that the trees are planted too close together for their mature size. Thus, at some stage, work would have to be done to them in any event. On balance, I consider that the merits of the overall layout outweigh the harm that complete loss of one row and loss from open space of the other would cause.

<sup>A</sup> See para. 6.78 above – Document CD245 is the BRE guide to 'Site Layout Planning for Daylight and Sunlight'.

<sup>B</sup> Document CD1 – the plan at p.12 is an easily-read illustration and identifies the building reference numbers.

## The buildings

- 19.37 There is also variety in the type and style of buildings. I look here only at the actual building design. I deal with below with the towers and their relationship to the power station building, particularly in views from the river and from the Lots Road triangle.
- 19.38 The two towers would be rhomboidal on plan, about 24m and 43m wide on their short and long diagonals. They would stand on parallel axes and would have distinctive silhouettes, their 'roofs'<sup>A</sup> raking along the long diagonal at an angle of about 35°. Their highest points would be closest together but the relationship between the two is such that the high point of the lower (25-storey) tower would be the same as the low point of the 'roof' on the higher (37-storey) tower. They are designed to be seen at their narrowest in views from the Thames downstream, which means that they would be seen at about their widest from Tadema Road to the north and around Old Swan Wharf on the south bank.<sup>B</sup>
- 19.39 Balconies at the corners would give animation to the form of the buildings. The façades, almost entirely glazed between stainless steel fins, should have a lightness of appearance. They should also have a variegated appearance and a human scale, since they would be enlivened by the individual treatment of the different flats within.
- 19.40 Accordingly, I have no objection to the architecture of the towers *per se*. I think they would be elegant buildings in purely architectural terms.<sup>6.72</sup> Their rhomboidal form would be evident in the facades. Where seen at their broadest, the angles of the facades would be creating differences in light or shade to sub-divide the overall mass. I return below to the impact where their forms would overlap or be perceived to be touching.
- 19.41 The only significant criticism of the other proposed buildings, from the Chelsea Harbour Residents' Association (CHRA),<sup>10.46</sup> is of their considerable bulk and massing. In my opinion, that criticism is misplaced.
- 19.42 The buildings on the LBHF site would complement the buildings of similar height in Chelsea Harbour.<sup>6.73</sup> They would not be of uniform height, creating variety in views from within the development and from further afield. I consider the taller part of Building HF5 to be important in providing a visual 'punctuation mark' between the proposed towers and the Belvedere Tower in Chelsea Harbour (and still important if a different style of building were to replace the proposed towers).
- 19.43 On the RBKC site, Building KC4 has a difficult townscape task to fulfil, in effect mediating between the mass of the power station, the height of the bulk supply point building and the more domestic scale of the buildings on the opposite side of Lots Road; I would prefer it to be a little lower, or to step down towards the corner, the better to relate to the buildings across the road – but I do not consider this a compelling objection. Building KC2A would be three storeys high on Lots Road, appropriate to the street scene, and would rise in steps back into the site. Building KC2B, while circular in plan, would have the same architectural language as Building KC2A.
- 19.44 All in all, and subject to what I conclude about the towers, I consider that the design of the buildings and the principles of the layout would come together to create an accessible development and a very attractive one in architectural and urban design terms.

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<sup>A</sup> I put 'roofs' in inverted commas because they would have windows and balconies for the flats at the upper levels and thus are not roofs in the commonly understood sense.

<sup>B</sup> Document A/RT/A – Views RT7 and RT2 (pp. and RT/3-39 and RT/3-29) respectively. (I choose RT2 because it has an image of the towers, unlike CP12, which has only an outline.)

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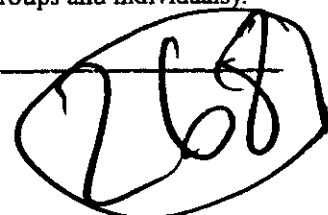
- 19.45 There are various specific objections to aspects of the layout and building design – daylight and sunlight to, and overshadowing of, neighbouring buildings, which I deal with below; whether the amount of open space is adequate for the scale of development proposed, which I consider under matter (e); the merit of the proposed treatment of the creek in terms of the Blue Ribbon Network (BRN) policies of the London Plan, which I address under matter (b) and, in effect part of this last point, the clearance of the three bridges over the tidal water level in the creek. Whether or not I find compelling objections in relation to any of these matters, they do not detract from the merit of the principles of the proposed layout as I assess them in this section.

#### *Views<sup>A</sup>*

- 19.46 Much of the criticism aimed at the height of the proposed towers was to do with their relationship with the power station building. Though not listed, the power station is widely recognised as a landmark on the Thames, visible from a considerable distance downstream. In my opinion, this landmark status is due primarily to the unmistakable silhouette created by the mass of the building and its two chimneys – and not to do with the modest architectural quality of the building itself. There is also, of course, the industrial and historical cachet of being one of just three remaining power station buildings on the Thames – the other two being Bankside (now the Tate Modern) and Battersea.<sup>9.40-41</sup>
- 19.47 Part of the reason for retaining the power station building is its landmark quality, which I fully accept. And its historic importance as one of the three remaining power stations on the Thames also weighs in favour of its retention. On the other hand, it is a very modest building in purely architectural terms, not comparable with either Bankside or Battersea. In my opinion, the decision not to list it was correct.
- 19.48 The RBKC planning brief appears to recognise the dichotomy of a building of modest quality nevertheless acting as a landmark. It addresses the question of building heights with the power station building demolished and with it retained.<sup>B</sup> On the former, it reiterates the height constraint expressed in what is now UDP Policy CD6 (although the potential for a replacement landmark is apparently recognised by RBKC<sup>6.120</sup>). On the latter, it says that the power station building will be ‘the dominant landmark on the site to which all other new buildings around it should be subordinate in height’. The weight to be given to the brief must be limited, both by its status as supplementary planning guidance and by the fact that LBHF, in whose area a substantial part of the present redevelopment site lies, took no part in its preparation.<sup>6.119</sup> Even so, the message to be derived from it is entirely reasonable – if the building is to be retained because it is a landmark, then it should remain a landmark after development has taken place around it.
- 19.49 The proposed development would do almost the opposite. The two towers would rise in front of the power station, or partially in front of it, in views from downstream and from the opposite bank of the river. The lower of the two towers would rise marginally higher than the chimneys, the taller one around 29m higher. In bulk and height, therefore, the proposed towers would replace the power station as the obvious landmark.
- 19.50 That is not necessarily a bad thing in itself – in my opinion, the two key matters to be addressed are whether the relationship between the towers and the power station, the

<sup>A</sup> See paras. 6.123-136 (Circadian), 7.44-51 (GLA), 9.10-48 (RBKC), 10.46-56 (CHRA), 11.2 (LRAG), 13.1-3 (Chelsea Society) and 15.3, 31, 47-49, 54-55, 62, 81 and 85-87 (points made by local groups and individuals).

<sup>B</sup> Document CD206 – paras. 2.31 and 2.32;



chimneys in particular, would be acceptable and whether buildings of this height would be appropriate in the context of the river and the surrounding development.

#### Development plan policy on tall buildings

- 19.51 In the London Plan,<sup>A</sup> Policy 4B.8 contains a general promotion of tall buildings – ‘where they create attractive landmarks enhancing London’s character, help to provide a coherent location for economic clusters of related activities and/or act as a catalyst for regeneration and where they are also acceptable in terms of design and impact on their surroundings’. Policy 4B.9 sets criteria for the design of tall buildings, including that they should ‘be suited to their wider context ...’ and ‘be attractive city elements as viewed from all angles and, where appropriate, contribute to an interesting skyline, consolidating clusters within that skyline or providing key foci within views’. Policy 4C.20 requires that waterside development ‘should reflect local character, meet general principles of good urban design and improve the quality of the built environment’.
- 19.52 Whether the proposed towers would create an attractive landmark (4B.8) will flow from my appraisal of the river views below. I do not see how they could help towards an economic cluster of related activities (4B.8). There are a number of tall buildings in the vicinity – the Belvedere Tower, the seven towers of the World’s End estate and, on the opposite bank of the river, Montevetro and, beyond it, the Somerset Estate towers. In my opinion, they do not form a visual cluster (4B.9) – although there is an association between them that might, in visual (or skyline or focal point) terms, warrant a tall building on this site (4B.9). It is only the site itself that obviously needs regeneration (4B.8) – though I can accept that a successful development on it would likely have a ripple effect for the well-being of the surrounding area.<sup>6.41</sup> Accordingly, the key point to be satisfied is whether the towers would be ‘acceptable in terms of design and impact on their surroundings’.
- 19.53 What, then, is the local character to be reflected here (4C.20)? Chelsea Harbour is a primarily residential development of the 1980s, fairly dense, with buildings varying up to eight or nine storeys and with the 20-storey Belvedere Tower as its focal point. The Lots Road triangle is also primarily residential, but comprises mainly two- and three-storey terraced housing. The World’s End estate has seven towers of 18/20 storeys. And the area immediately east of the site, between Lots Road and the river, is rather more traditional and industrial in character, perhaps reflecting something of what has now disappeared from the Chelsea Harbour and Imperial Wharf sites. In this context, there is nothing to say that a tall building is wrong in principle.
- 19.54 In the RBKC UDP,<sup>B</sup> Policy CD6 restricts the height of development on the riverside to ‘no greater than the general level of existing building heights to the east of Blantyre Street’. This apparently derives from a desire not to repeat what was subsequently seen as the ‘mistake’ of the World’s End towers. But the site is west of World’s End while Blantyre Street is to its east – making it difficult, in the context of the more immediate surroundings of the site, to justify such the constraint. The UDP justifies it only in terms of the more historic waterfront to the east of World’s End; and there has been no subsequent exercise to that end. Policy CD37 resists a new high building which would significantly exceed the height of neighbouring buildings and which would harm the skyline, consistent with the skyline criterion in Policy 4B.9.

<sup>A</sup> Document CD174 – pp. 181-183 and 209-210.

<sup>B</sup> Document CD199 – pp. 56 and 73.

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- 19.55 In the LBHF UDP,<sup>A</sup> Policy EN9 sets criteria to be satisfied before a high building proposal can be considered acceptable. The criteria are consistent with the London Plan policies and include also the effect on the character of conservation areas and the settings of listed buildings.
- 19.56 All in all, I conclude that the proposed towers will be appropriate if they satisfy London Plan Policies 4B.8 and 4B.9. If they do that, I would not feel able to hold up failure against RBKC UDP Policy CD6 as a compelling objection.

CABE and English Heritage<sup>B</sup>

- 19.57 I deal with this here, rather than in the context of the development as a whole, because of the endorsement CABE and English Heritage (EH) give to the proposed towers when others object to them. The views of both are unambiguous. CABE has consistently supported the principles of the scheme, including the two towers. EH specifically assessed the proposals in the light of the (then draft) criteria in the joint EH/CABE Guidance on Tall Buildings, finding the location appropriate, in principle, for two tall buildings. These views from independent bodies charged with enhancing the quality of the built environment and protecting heritage ought to weigh heavily in favour of the proposals – but they cannot be determinative. I shall assess the impact the towers would have on the basis of all that has been said and written and on what I saw for myself.

General comment on the computer-modelled images.

- 19.58 The Chelsea Society believes that some of the photographs were taken with wide-angle camera lenses that do not reflect the focal length of the human eye.<sup>C</sup> I am not sure that is correct. Having studied the photographs carefully, I think the impression may derive from the way that the panoramic views have been reproduced. What is true, however, is that, in all the images, the existing buildings, and therefore the proposed ones, appear further away, or smaller, than they do, or would, in reality. That is a phenomenon I have encountered elsewhere in similar circumstances (for example, in views of St Paul's from Kenwood and Parliament Hill).
- 19.59 Accordingly, I have used the images as *aides-memoire* when visiting the area myself and, should there be any doubt, I urge the decision maker to do the same. Also, the photographic viewpoints are specific (as they must be) whereas I was walking the full length of the relevant embankments and bridges to gain the full kinetic<sup>6,129</sup> experience. Having done that, I shall give my appraisal in terms of the images before the inquiry.

Views from downstream

*The view from the north end of Chelsea Bridge (View CP1 in Document A/RT/A)<sup>D</sup>*

- 19.60 The actual view is much clearer, with Albert Bridge and the buildings in the distance all appearing much nearer than in the photograph. The dark colour of the World's End towers (three of them being visible) acts as a backdrop to the white-painted structure of the Albert Bridge but the white Chelsea Wharf building tends to blur the lines of the bridge. The Somerset Estate towers, Montevetro and the Belvedere Tower are all visible

<sup>A</sup> Document CD222 – pp. 88-89.

<sup>B</sup> Documents A/AS/A (Appendices 4-9) and G/7 (recorded above in paras. 16.2-3).

<sup>C</sup> Document CS1 – section 3.

<sup>D</sup> Document A/RT/A has commentary alongside the existing and proposed views; RBKC's comments on views from downstream are at paras. 9.20-24.

above the trees on the south bank. I do not believe that, at this distance, the viewer would be confused by being uncertain whether the proposed towers were on the north or south bank of the river. One of the power station chimneys would be visible beyond the left side of the 25-storey tower; as one crossed the bridge, it would disappear but the other would then emerge into view from behind its right side. The existing tall buildings do not, in my opinion, need to be 'brought together' as a composition or to have a focal point in this view. I consider that the 37-storey tower would appear unduly high in the context of the overall scene. Save for that more general point, the setting of the Albert Bridge would not be harmed.

*From Chelsea Embankment near the Royal Hospital's Embankment Gardens (CP3)*

- 19.61 From the slightly lower viewpoint on the Embankment, Montevetro is just visible but the Somerset Estate towers and the Belvedere Tower are not. The southerly pylon of the Albert Bridge is seen against the red brick of the power station but distance and the contrasting colour mean that the bridge's character is not diminished. The Albion Wharf building (on the south bank beyond Albert Bridge) appears to have been built since the photograph was taken; its light colour does much more to blur or distract from the character of the bridge. The 25-storey tower would add to this effect but its distance beyond the bridge and the impact of other buildings (Albion Wharf and Chelsea Wharf) means that there would be no undue harm to its setting. As in CP1, there is nothing in the skyline to suggest that the 37-storey tower would be an appropriate addition to the view; I consider that it would appear unduly high in the overall scene.

*From the Embankment between CP3 and the Albert Bridge*

- 19.62 As one walks along the Embankment, so the remaining 'industrial' enclave – Lots Road Power Station, Chelsea Wharf and the gas holders behind Imperial Wharf – becomes a more obviously distinct element in the scene. The form and structure of the Albert Bridge also becomes more distinct and distinctive the closer one gets – though it loses some of its clarity to the extent that it is seen against the backdrop of Albion Wharf and its nearer neighbour. The power station chimneys are a dominant feature in the centre of the view. The proposed towers would stand to their left. As one reaches Swan Walk (about 0.4km from the Albert Bridge), the power station chimneys and the World's End towers all become lower on the skyline than the pylons of the bridge. The 37-storey tower would be significantly higher, and thus prominent and dominant – another indication that it might well be too tall a building for this location.

- 19.63 All in all, the Albert Bridge is seen against an ever-changing backdrop and is itself always seen differently. The suspension structure appears more fragile, more utilitarian and less graceful the closer one gets to the bridge, less elegant than from further away; the pylons, by contrast, appear more delightful the closer one gets. Given this, and whatever my conclusion on the height of the proposed towers, I do not consider that they would undermine the qualities of the listed bridge; in other words, I do not consider that harm to the bridge's setting can be a compelling objection.

*From the north end of Albert Bridge (CP5)*

- 19.64 The Somerset Estate towers, Montevetro and the Belvedere Tower are all visible in the left of the view; two of the World's End towers are prominent to the right. There is some justification in this view for having the two towers in the centre of the composition; equally, if the power station chimneys were to be demolished, I would see no specific urban design or townscape need to replace them with new tall or taller buildings.



- 19.65 In fact, the proposed towers would form a more appropriate urban composition when seen from the southern half of the Albert Bridge, because they would be visually much more closely related to the mass of the Albion Wharf building.

*From the north end of Battersea Bridge (CP7)*

- 19.66 The Belvedere Tower no longer acts quite in the way it used to as a 'link in the chain' of tall buildings from the Somerset Estate towers through Montevetro and the power station chimneys to World's End. The height and mass of the new buildings at Imperial Wharf mean that the Belvedere Tower does not rise out of the surrounding development to the height that one feels it should. As with the views from the Albert Bridge, there is some justification for the proposed towers as part of the skyline composition. Again, though, it is worth stressing that the existing buildings appear nearer and larger in reality than they do in the photograph. That would apply also to the proposed towers – and suggests that the 37-storey tower would be rather too tall.

*From the south end of Battersea Bridge (CP8)*

- 19.67 In this view, there is some strength in the argument for the proposed towers in terms of skyline composition and the relationship they would have to the World's End towers and Montevetro in particular. At the same time, the subjugation or obscuration of the chimneys by the towers is more apparent from this viewpoint. And the towers would appear closer and larger in reality than they do in the image.

*From Cheyne Walk (RT2)*

- 19.68 The effect here is not very different to that from the north end of Battersea Bridge. I can see merit in the skyline composition that would emerge but, at this distance, I consider that the 37-storey tower would be too tall and overbearing.

*Conclusion on views from downstream*

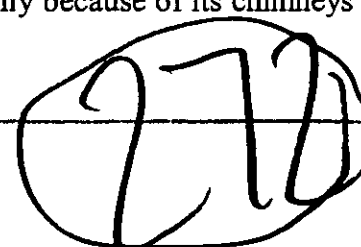
- 19.69 Whether from Cheyne Walk or Chelsea Bridge, or points between, I consider that the 37-storey tower would be too tall for its setting. The closer one got, the more dominant, even overbearing, it would be. On the other hand, from those closer viewpoints, I can see the justification (perhaps an artistic rather than an urban design one) for the towers as a central focal point in the skyline composition. Aside from the question of the towers obscuring the existing landmark (which I deal with below), a tall building (or two) of around the height of the 25-storey tower would not necessarily be a harmful introduction. At the same time, there is no urban design or townscape need for such an addition.
- 19.70 Irrespective of the arguments about height or landmark, I do not consider that the setting of the Albert Bridge need be protected from the introduction of the proposed towers. The change in the views from downstream would be obvious but would not, in my opinion, undermine the architectural and historic qualities of the bridge.

*Views from the opposite bank of the Thames<sup>A</sup>*

*From Wandsworth Riverside Walk (CP9)*

- 19.71 The elements that are seen together in views from downstream are here quite separate. The Belvedere Tower is well to the left, World's End well to the right. The power station stands on its own but, in my opinion, is a landmark only because of its chimneys

<sup>A</sup> RBKC's comments are at paras. 9.12-26.



– if they did not exist, the building would be a large but relatively simple mass of unexceptional architectural merit. The proposed 25-storey tower (or even two of them) in place of the chimneys would not be inappropriate; the 37-storey tower would, in my opinion, be too tall to stand comfortably in this location and in this view. The impression in the photograph is of the power station being further from the viewer (and thus smaller) than in reality. The 37-storey tower would be far more dominant and overbearing than it appears in the image.

- 19.72 The proposed towers would clearly diminish the status of the power station building as a landmark, not only in this view but as one walks along the riverside path. The fact that one or other chimney, or both, would be obscured as one walked along the riverside path simply highlights that the towers would replace the power station as the landmark and that the chimneys would become incidental or less important in the scene.

*From Wandsworth Riverside Walk (CP10)*

- 19.73 Again, the 37-storey tower would appear nearer and thus higher and more dominant than it does in the image. The fact that both chimneys are visible between the towers from this viewpoint is coincidental. The viewer walking along the riverside path would see either or both disappearing behind one tower or the other and then reappearing as he or she proceeded. The compositional merit of a taller building on the site, between Montevetro, the Belvedere Tower and World's End does not apply in views from this area because the various buildings are so far apart. That said, a building (or buildings) around the height of the 25-storey tower could easily prove satisfactory.

*From St Mary's Churchyard (RT1)*

- 19.74 Not only does the power station seem nearer in reality but Chelsea Harbour and World's End do not appear recede to left and right to the extent it seems they do in the panoramic view (even though the impression of the relative heights of the buildings seems accurate in the image). The 37-storey tower would, in my opinion, be simply too tall for the location – and the overbearing impression would become almost overpowering because, from this part of the riverside, one is beginning to see the rhomboidal form of the towers at their widest.

*From Old Swan Wharf (RT2)*

- 19.75 Despite the diminished and more distant impression conveyed by the photographs, this image perhaps conveys better than any other how tall and overpowering the 37-storey tower would be. In addition, this 'broadside' view of the 25-storey tower is of a much bulkier building than the relatively slim Belvedere Tower. The power station is almost totally lost from this and nearby viewpoints.

*Other views (CP12, CP13)*

- 19.76 The urban composition from these viewpoints is reasonable. The sloping profile of the towers leads the eye down to World's End on one side, the power station chimneys on the other – more successfully than they would in RT1 and RT2. Because of the perspective, the 37-storey tower projects no higher than the Belvedere Tower. Equally, it is obvious from the perspective that it is a much larger building, in breadth as well as height. And, of course, the buildings are nearer in reality than they appear in the image. While the power station chimneys would not be at all obscured in these views, the building from which they rise would be barely recognisable.

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*Conclusion on views from the opposite bank*

- 19.77 It is from the riverside path between Battersea Bridge and the WLL bridge that the height of the proposed towers would be most obvious. I consider that the 37-storey tower would be too tall and would dominate the scene in an almost overpowering way. The impact would be exaggerated in some of these views because the two towers would be seen at their broadest and because, in some, their masses would overlap. The power station would completely lose its existing landmark status, the chimneys being obscured by the towers in many views and the building itself being obscured by the other new buildings in front of it.

*Views from the south bank west of the WLL bridge (CP14, RT3)<sup>A</sup>*

- 19.78 The riverside path barely exists along this stretch of the river but is expected to come forward in stages as sites are developed or improved. Thus, views from this area will become more important than they are now. Even so, I find little to count against the proposals when seen from this direction. From points east of Wandsworth Bridge, the 37-storey tower will clearly be a larger and taller structure than any other in the vicinity. From the bridge itself, the mixed quality of development on the north bank and the bulk of the Regent on the River development are the prominent features; in my opinion, the proposed towers would probably benefit the skyline. From points west of the bridge, the skyline is mixed, the power station chimneys are visible but not prominent and the 37-storey tower would be little more than another tall building in the urban scene.

*Views from Brompton Cemetery (RT12-RT15)<sup>B</sup>*

- 19.79 The Belvedere Tower is visible in some views but does not seem to me to distract attention from the immediate surroundings within the cemetery. When one looks in other directions (not shown in any of the photographs), there are other much more obvious and distracting buildings (and not just the Chelsea FC stadium at Stamford Bridge). The proposed towers, particularly the taller one, would be clearly visible in views south, beyond the colonnade and the domed chapel. In my opinion, however, rather than diminishing or diluting the architectural, historic and scenic qualities of the cemetery, the elevational treatment of the towers and the effect of distance would combine to render them incidents rather than distractions on the skyline beyond. In my opinion, it is important to remember that the cemetery, for all its inherent value, is nowadays an oasis of open space in a heavily built-up city. I think it is in some ways undesirable to pretend otherwise – while close scrutiny should certainly be given to development proposals for nearby sites, it is in part the contrast of character and atmosphere with the city around that gives the cemetery its value.

*Views from the Lots Road triangle (CP33, CP36, RT7, RT8)<sup>C</sup>*

- 19.80 At present, the power station is a prominent and dominant presence for those living in the triangle. It is also a barrier separating the triangle from the river. If it were to be demolished, amenity considerations make it highly unlikely that redevelopment would be permitted which would have the same mass and bulk on Lots Road.<sup>13.2</sup>
- 19.81 The proposed towers would be seen rising well above the roof of the power station. The effect of such tall buildings rising above the existing massive power station building

<sup>A</sup> RBKC's comments are at paras. 9.12-19.

<sup>B</sup> See paras. 9.47 (RBKC) and 15.85-87 (the Friends of Brompton Cemetery).

<sup>C</sup> RBKC's comments are at paras. 9.44-46.

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would, in my opinion, be somewhat overbearing – probably more so, because of the contrast of building styles, than if the towers rose behind frontage buildings of a similar architectural language. The triangle lies to the north of the site. The view would be of the towers at their broadest. It would also be of their northerly-facing façades, inevitably their darker sides. However light the architectural treatment might be, they would not be transparent – though the extensive glazing and the balconies would give a varied and intricate effect rather than a monolithic appearance. I think it would be only in sunlight, and probably only early in the morning or late in the evening, that the façades would have the lightness portrayed in the images. Also, while the relationship between the various buildings in the images is correct, the views would not be the same in reality. The power station building appears nearer when standing-where the photographs were taken, therefore larger and more dominant, and the same would apply to the towers.

Views from Chelsea Harbour and the in the vicinity of Imperial Wharf (RT9-RT11)

19.82 I think there is little to object to in views from the west and south-west. In essence, one would be seeing modern architecture in the context of modern architecture. The height of the towers would make them conspicuous – but not out of place.

Night-time views (RT16-RT19)

19.83 To the extent that the proposals are acceptable by day, so they should also be acceptable at night. The towers should be no more intrusive by night in riverside views than they are by day. In particular, they would stand so far beyond the Albert Bridge that lit rooms within them would not compete with the way the bridge itself is lit.<sup>9,23</sup> If the towers were externally illuminated, that might be different – but there is no proposal for that.

Old or new landmark

19.84 At the heart of the debate at the inquiry was whether one could retain the existing landmark, the power station, but erect between it and the river two substantial new buildings, one the same height as the power station chimneys and the other very much higher.<sup>A</sup> The planning brief considers that, if the power station is to be retained, new buildings on the site should be subordinate to it. That, to me, is an entirely sensible and reasonable approach. If the power station is to be kept precisely because it is a landmark, then it should remain a landmark once development has been completed.

19.85 Sir Terry Farrell says this in his proof of evidence. 'Lots Road power station is the central feature of the masterplan. The other buildings have been planned around it in such a way as to emphasize its historical importance and landmark status ... The power station will be visible from a variety of viewpoints and the tower buildings have been designed to provide a contemporary frame to the regenerated power station and to make a strong visual statement that will establish a strong physical relationship between past and present.'<sup>B</sup> Thus, the power station has been retained, at least in part, because of its 'landmark status'. The 'contemporary frame' would, however, partially or wholly obscure the power station in a large number of important views. The question is whether this would diminish, not 'emphasize', its 'historical importance and landmark status'?

19.86 I think that the answer to this question is a simple 'yes'. At present, the mass and bulk of the building is plain to see from the river. And the chimneys mark it out in distant views.

<sup>A</sup> See, for example, paras. 9.27-43 (RBKC).

<sup>B</sup> Document A/TF/P – para. 3.2.4 on p.28.

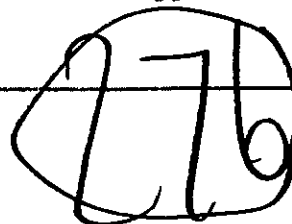
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If the proposed development proceeded, however, the building and its chimneys would become secondary to the towers in views from downstream, even though the towers would be seen at their most slender. The same would be true when seen from the south bank, even though more of the building itself would be visible from opposite the mouth of the creek. The chimneys, and the building itself, would be made to look somewhat anachronistic in the context of the extensive and modern residential development that would stretch from in front of the building through Chelsea Harbour to Imperial Wharf.

- 19.87 Alternatively, that could be said to go to the aim of establishing 'a strong physical relationship between past and present'. As Circadian says, much of London's townscape is characterized by modern and historic elements standing side by side.<sup>6.2</sup> I can understand both sides of the argument. And images, though all prepared by Circadian, can be selected to support either side.
- 19.88 On the one hand, I am very uncomfortable with the idea of the power station building being relegated to what would seem a secondary townscape role, surrounded (in views from the river) by modern residential development. It is true that the juxtaposition of old and new is a typically attractive characteristic of London's townscape – here, though, the old would be such a distinctive building with such an obvious former use (the chimneys being the visual key) that I am uncertain it could be successful here. On the other hand, virtually any development of the site, including Chelsea Harbour Phase 2 – and certainly any development attempting to maximise site potential in accordance with London Plan Policy 4B.3 – would leave the power station building itself barely visible, save for its roof, from most viewpoints. That, in my opinion, would also leave the existing landmark in, visually, a similarly uncomfortable position. Moreover, the building simply does not have the architectural merit to warrant the space around it being left largely open.
- 19.89 Accordingly, it comes down to the relationship between the power station and the proposed towers – and whether the towers would have a materially greater impact than any other form of effective development for the site. Slightly reluctantly, I am drawn to the conclusion that the redundancy of the power station and the benefits of redevelopment offer the opportunity for a change in townscape or urban design emphasis and that a tall building (or two) need not be thought inappropriate. That does not, however, alter my conclusion that the proposed 37-storey tower would be too tall in this location and context. It also makes me wonder whether some sort of treatment of the chimneys to emphasize the redundancy of the power station and the new uses within it might be appropriate, thus assisting the integration of old and new – though the proposals contain no such suggestion and I cannot speculate on likely acceptability.

#### Landmarks and gateways

- 19.90 Looking at the matter from a rather different angle, I am inclined to give short shrift to arguments about the need for or desirability of 'landmark' or 'gateway' buildings in the context of this proposal.<sup>6.125-126</sup> Lots Road Power Station was not built where it is because it would be a landmark – or because a landmark was 'needed' at this point on the Thames. It was built there because it was a convenient location for its purpose. It became a landmark because of the prominence of its (originally) four chimneys in views along the longest straight reach of the Thames in central London, with three bridges across it and a road running along its north bank. It has remained a landmark in part because it is a symbol of industrial power. I do not think it has the same quality in views from upstream (because it is not so visible or prominent) or from the opposite bank



(because, at this closer distance, the building's mass and modest architectural character are more prominent).

- 19.91 Nor is it any longer an engine of power. And it no longer has all four chimneys – though the two that remain, coupled with the form of the building seen from downstream, are enough to maintain the landmark quality. Equally, the building itself does not have any special architectural qualities. It is not listed and it is not in a conservation area. It could be demolished tomorrow.
- 19.92 Any replacement development could become a landmark, depending on its form and its impact on the skyline. It is certain that a tall building (or two such buildings) on this site would become a landmark for the same reason that the power station is one – prominence in views from downstream. But the arguments for and against any particular proposal are not, in my opinion, to do with whether a landmark is necessary or desirable – whether to mark the bend in the river, or as a symbol of regeneration, or to mark a new urban quarter. They are much more to do with how that proposal would fit into its urban design context. In this case, I believe that the 37-storey tower would be too tall for the location and there is no argument about the need for, or desirability of, a landmark that can outweigh that.
- 19.93 The idea of a gateway seems to me even more lightweight. Chelsea Creek marks the administrative boundary between RBKC and LBHF. As such, it is also a convenient boundary between the Central and West London sub-regions identified in the London Plan. But the boundary on the south bank is a considerable distance upstream<sup>9.68</sup> – so the idea of a gateway for that purpose is actually impossible. There would, in fact, be a visual gateway, because the proposed towers would stand directly opposite Montevetro. But it would not mark some physical or visual change in the way London has developed. Indeed, the river banks downstream of the site seem less intensely developed than those upstream,<sup>7.47</sup> despite the fact that one could reasonably expect to find Central London more intensely developed than West London. I see no argument for a gateway building that could influence consideration of the proposal in its urban design context.

#### Impact on conservation areas

- 19.94 Throughout the above sections I have made no specific mention of any impact on the character or appearance of conservation areas. That is for the very good reason that I do not believe there would be any harmful impact over and above criticism on architectural and urban design grounds of the height of the towers and, perhaps, their relationship to the power station.
- 19.95 Only the creek is within the LBHF Sands End Conservation Area. Only a very small area of the mouth of the creek is within the RBKC Thames Conservation Area. The RBKC Cheyne Conservation Area is some little distance away. The Battersea Square Conservation Area, in Wandsworth, extends to the centre of the river opposite the site.<sup>A</sup> In effect, therefore, save for the LBHF part of the creek, the statutory duty in relation to conservation areas does not apply to these proposals, only the advice in PPG15 that the desirability of preserving or enhancing an area should be a material consideration in the handling of development proposals outside that area but affecting its setting or views into or out it.<sup>B</sup>

<sup>A</sup> Document CD14 shows all the conservation areas in the vicinity of the site.

<sup>B</sup> Document CD131 (PPG15) – para. 4.14.

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- 19.96 No building of merit is to be demolished, in or out of any conservation area. The power station would be converted and regenerated in a manner applauded by all. To that extent, architectural and historic character is respected. There is little criticism of the majority of the new buildings proposed. They would relate well to Chelsea Harbour, and might well be seen as an architectural improvement on that development. The character and appearance of the creek would, I believe, be enhanced out of all recognition – by proposals which are criticised not so much in terms of their actual design as because they might constrain potential uses of the water (which I deal with under matter (b) below).
- 19.97 The fact that RBKC and LBHF have both designated their areas of the River Thames as conservation areas, even though they exclude buildings along its banks, makes whatever is proposed to happen to buildings or sites along those banks a material consideration in conservation area terms. Thus, a development that would harm views from the river would be harmful to the character and appearance of the conservation area. I have to say that I consider this something of a ‘belt and braces’ approach. If my overall conclusion is that the proposed development would be inappropriate in its context, I will have reached that conclusion on the basis, to a very great extent, of views from the river – because it is from the river that it would be most visible and prominent. And I will have reached it from assessing the quality of the proposed architecture and urban design, irrespective of whether the river is a conservation area. However, a recommendation against the proposals on architectural and urban design grounds should be considered in light of the fact that the proposed development would be so visible from those parts of the river in the Thames and Sands End Conservation Areas.
- 19.98 The Battersea Square Conservation Area does appear to be designated for the merit of its buildings and spaces and to include the river as a complementary rather than a principal element. I do not believe, however, that a conclusion that development on the opposite bank would be inappropriate to the character or appearance of the area could justify a refusal of planning permission. Indeed, given the separation by the river, any disparity of character or appearance might be thought more likely to highlight rather than diminish the qualities of the conservation area. The distance between the site and the Cheyne Conservation Area enables a similar conclusion there.

#### Impact on residential amenity

- 19.99 There was no criticism in terms of residential amenity by RBKC or LBHF. It came from CHRA and other local objectors. The only matters not dealt with elsewhere in this report are daylight, sunlight and overshadowing.

#### Daylight<sup>A</sup>

- 19.100 Circadian brought detailed evidence to the inquiry.<sup>B</sup> CHRA did not produce its own evidence but disagreed with Circadian’s conclusions on the matter. The evidence shows that 117 out of 676 windows in adjoining buildings would have a vertical sky component (VSC) below Building Research Establishment (BRE) guidelines,<sup>C</sup> though only nine would have an average daylight factor (ADF) below those guidelines. The dispute lies in how that information should be assessed.

<sup>A</sup> See paras. 6.77-80 (Circadian) and 10.23-24 (CHRA).

<sup>B</sup> Document A/GI/P, Mr Ingram’s proof of evidence, supported by Documents A/GI/A1, A/GI/A2 and A/GI/CD; Tables 4.1 and 4.2 on p.17-18 of Document A/GI/P are the simple reference to the analysis.

<sup>C</sup> Document CD245 – extracts are in Document A/GI/A1, Appendix K9.

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19.101 VSC measures the amount of daylight available at a window plane.<sup>A</sup> It takes no account of how big or small a window is; it also requires no information about the room being lit.<sup>6.80</sup> A VSC of 27% is deemed acceptable and a reduction of up to 20% of the existing VSC would not be noticeable<sup>B</sup> (though a reduction of greater than 20%, while noticeable, might still leave a VSC greater than 27%). ADF is a better measure of the quality of light within a room in as much as it uses information on the size of the window and the internal characteristics of the room.<sup>C</sup> It may or may not be possible to estimate internal characteristics if details are not available. There are different minimum standards for different room uses.

19.102 Because they are more sensitive to window size and the use of the rooms, I consider that the ADF values estimated by Circadian can be used as a reasonable guide to any harmful effect that the proposed development might have on neighbouring existing buildings. Of only nine rooms that would be adversely affected,<sup>D</sup> all in Chelsea Harbour, five kitchens would retain an ADF greater than 1.8% (compared with the acceptable guideline of 2%) and three living rooms would retain an ADF greater than 1.44% (compared with the acceptable guideline of 1.5%). That is less than 10% below the guideline for the kitchens, 4% for the living rooms. The ninth room is a kitchen in which the ADF would be reduced to 1.08%, little over half of the acceptable guideline. I do not believe that the levels in eight of those rooms give serious cause for concern; the ninth, while unfortunate, does not, in my opinion, give sufficient reason to reject the proposals as a whole. While the aim should be to achieve the recommended levels, failure to do so does not mean that daylight levels would be wholly unsatisfactory and should not render development automatically unacceptable.<sup>E</sup>

19.103 It may also be noted that, when assessed against the permitted for Chelsea Harbour Phase 2, the number of windows having a poorer VSC under the present proposals would be just 44,<sup>F</sup> significantly fewer than when assessed against existing conditions. I do not think that can weigh heavily in favour of this proposal – but, if VSCs were thought more appropriate than ADFs, this is, I believe, a fairer measure of impact.

### *Sunlight*

19.104 Circadian<sup>6.83</sup> says that 217 out 270 relevant windows in neighbouring properties would retain sunlight levels in accordance with BRE guidelines. CHRA<sup>10.25</sup> notes that 41 windows would fail the winter guideline and 22 the annual guideline.<sup>G</sup> Worst affected would be nos. 60-88 Lots Road,<sup>6.83</sup> where reductions in summer would be small and, where sometimes dramatic percentage losses in winter would be from already limited sunlight hours. It is not appropriate to argue that something already sub-standard may more easily be further reduced. However, the BRE guidelines are to be used flexibly<sup>H</sup> and in the context of site location – and the impact here does not seem unreasonable or unacceptable for what is anyway a relatively densely developed urban area.

<sup>A</sup> Document A/GI/P – para. 2.13(i) on p.9.

<sup>B</sup> Document A/GI/P – para. 2.21.

<sup>C</sup> Document A/GI/P – para. 2.13(iii) on p.9.

<sup>D</sup> Document A/GI/P – Table 4.2 gives only a crude 'Total Below 1.5%'; for example, of the 22 in Lots Road, most are hallways and no kitchen, living room or bedroom has a level lower than 2%, 1.5% or 1% respectively.

<sup>E</sup> Document A/GI/A1, Appendix

<sup>F</sup> Document A/GI/P – para. 4.3.6.3 (676 – 632 = 44).

<sup>G</sup> Document A/GI/P – Table 4.5 is the source of all these figures; the figures do not add up because windows failing the winter threshold do not necessarily fail the annual threshold and *vice versa*.

<sup>H</sup> Document CD245 – p.1, final para. (as noted in Document A/GI/P at para.4.3.7.8).



- 19.121 The river bus service appears to have a chequered history. The section 106 obligation would bring improvements to Chelsea Harbour pier and a contribution to the service itself – but it might be unwise to assume that past difficulties would be overcome.
- 19.122 I do not find it surprising or inconsistent that the assessment of public transport capacity takes no account of non-car trips generated by the committed developments at 552 King's Road and Imperial Wharf and the proposed development of the Chelsea Academy. The proposed development may be expected to provide only for the public transport trips it would itself generate, something which, in terms of bus capacity, it would more than achieve. Even if there is dispute about the existing capacity of the WLL, the anticipated increased frequency would more than meet the limited estimated demand. It is only, therefore, on the tube that the cumulative impact of this and other development might be argued as creating unacceptable pressure – but, while I am sure it would be an attractive option, it does not count towards the PTAL for the site, which would be improved to the border of levels 3 and 4 by the other proposed enhancements. In addition, one might expect the other committed developments to cater themselves for the public transport trips they would generate and it seems to me that morning peak trips generated by the Chelsea Academy would generally be in the opposite direction to those generated by the proposed development.
- 19.123 All in all, while I have minor reservations about the true value of some of the transport options, I conclude that the SITS package offers a constructive and satisfactory solution to raising the PTAL of the site to a high 3 or a low 4. Also, the improved bus services would benefit the existing population in the area as well as the proposed development.<sup>6.45</sup>

*Impact on traffic congestion in the local area<sup>A</sup>*

- 19.124 Circadian accepts that, at peak hours, the strategic road network is heavily congested. From my experience when visiting the site, and also on other occasions, that applies not just to the nearby roads forming part of the Transport for London Road Network (TLRN) but also to King's Road. Anecdotal evidence is that the local road network is congested for much of the day, an opinion reinforced by LBHF's witness.<sup>B</sup> Outside peak hours, I was surprised both to find the area congested when I did not expect it and to find the roads free-flowing when I had expected them to be busy. What I believe may influence this, hinted at in LBHF's evidence,<sup>C</sup> is that a temporary obstruction to the free flow of traffic can often, and very quickly, cause serious congestion.
- 19.125 Congested roads, however, are not necessarily a reason to prevent housing development in the area. To the extent that there is congestion, so may that encourage non-car travel – or, where a car must be used, travel outside peak periods may be preferred.
- 19.126 So far as the immediate road network is concerned, the development would not generate traffic with which local streets could not cope. It was pointed out that the trip distribution diagrams showed a number of movements 'disappearing' from the network.<sup>D</sup> In fact, they identify traffic using, most probably, Tadema Road and Ashburnham Road to travel north from Lots Road. But the total number of trips on those streets would

<sup>A</sup> See paras. 6.160-162 (Circadian), 7.40 (GLA), 10.30 and 10.41-43 (CHRA), 11.1 (LRAG) and 15.4, 13, 32, 49, 51, 56, 63, 82, 88 and 95 (points made by local groups and individuals).

<sup>B</sup> Document HF1 at para. 10.08 – referred to in closing by CHRA (para. 10.30 above).

<sup>C</sup> Document HF1 at para. 10.09.

<sup>D</sup> Document A/HW/A – Figures 4.2 and 4.3 – total traffic emerging from the site is greater than the amount of traffic at the Lots Road junctions with King's Road and Cremorne Road; the balance represents traffic that would use Tadema Road or Ashburnham Road to reach the Ashburnham Road junction with King's Road.

amount to no more than 36 in the morning peak hour, 64 in the worst case scenario, both of which I consider would be barely noticeable, if at all, in terms of noise and disturbance, let alone congestion. In traffic terms, the worst affected junction would be where Lots Road meets Cremorne Road; the section 106 obligation makes provision for this junction to be signalised, which might make it a preferable option to Tadema Road and Ashburnham Road at certain times of day.

19.127 CHRA was particularly concerned about the effects on the junction of Lots Road with King's Road. This junction is not part of the TLRN so TfL did not give evidence on it. And traffic impact was not a RBKC objection. Maximum traffic generation at that junction would be 55 vehicles in the morning peak (96 in the worst case scenario),<sup>A</sup> which I do not consider likely to change existing conditions to any significant extent, even if the pedestrian cycle were to be called more regularly than assumed.

19.128 Concern was also expressed about rat-running in Lots Road.<sup>11.1; 15.13</sup> I can understand why drivers should do this in a westerly direction and the installation of signals at the Cremorne Road junction could make it an attractive proposition in an easterly direction. However, there is provision in the section 106 obligation for traffic calming, which could, if thought necessary or appropriate, be used to deter that activity.

19.129 I do not believe that temporary road closures and pressure for parking when Chelsea FC is playing at home should count against these proposals for housing development on a vacant brownfield site. I appreciate that local residents and road users must suffer considerable inconvenience when the first team is playing at home.<sup>11.1; 15.32</sup> However, that happens no more than 40 times in a season<sup>B</sup> and the duration of the difficulties cannot be very much more than four hours, usually on a Saturday or Sunday afternoon or shortly after the mid-week evening peak.

#### *Car parking provision<sup>C</sup>*

19.130 Car ownership in the SW10 postcode area is 0.63 cars/unit (dwelling) and fell slightly in the ten years to 2001. The proposals would provide parking at about 0.77 spaces/unit. The London Plan aims for less than one space/unit in flat developments with good public transport accessibility.<sup>D</sup> In my opinion, the proposal is comfortably in line with policy and, at the same time, would be highly unlikely to generate demand for on-street parking in the Lots Road triangle. LBHF residents would not be entitled to a parking permit for that borough. RBKC sought no such constraint in the section 106 obligation but the relationship of parking provision to car ownership suggests that no problem should arise in the vicinity of the site.

19.131 Some on-street (pay and display) parking would be removed from Lots Road to enable buses to pass along the street more easily and to facilitate the provision of new bus stops – but the lost spaces would be replaced within the development.

<sup>A</sup> Document A/HW/A – Figures 4.2 and 4.3.

<sup>B</sup> This was apparently the figure used when development at Stamford Bridge (Chelsea Village) was being considered; in fact, the number of first team home matches would be unlikely to exceed 30 in any season.

<sup>C</sup> See paras. 6.163-165 (Circadian), 7.35 (GLA), 8.34 (LBHF), 10.44 (CHRA), 11.1 (LRAG) and 15.6, 14, 26 and 51 (points made by local groups and individuals).

<sup>D</sup> Document CD174 – Table A4.2 on p.A21.

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***Conclusion on matter (d)***

19.132 I find that the proposed development generally accords with policy in PPG13. The road network in the vicinity of the site is undoubtedly busy, especially at peak periods, but the amount of vehicular traffic generated by the development would be modest and car ownership levels in the area suggest that Circadian's figures are not an under-estimate (despite the worst case scenario provided at RBKC's request). The provisions of the SITS package, the more frequent C3 bus service and the new embankment service in particular, ensure that the existing PTAL for the site would be significantly improved. Indeed, since I conclude that the traffic and transport impacts of the development could be satisfactorily accommodated by the road network and the SITS package, so the density of the proposed development must be considered acceptable, at least in transportation terms.

19.133 In concluding that the proposed development would accord with policy in PPG13, so too would it accord with development plan policy.

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**Matter (e) – whether the proposal is in accordance with national policy contained in PPG17 *Planning for Open Space, Sport and Recreation* and whether an adequate assessment has been carried out of the existing and future needs of the community for open space, sports and recreational facilities, justifying the scale of the development proposed**

- 19.134 This was a matter of great concern to many local objectors, including CHRA and the Lots Road Action Group (LRAG).<sup>A</sup> The RBKC UDP identifies the borough generally as deficient in open space. The LBHF UDP identifies the area surrounding the site as deficient. No more specific assessment than that was put before the inquiry. LBHF concedes that private open space standards would not be met but considers the overall amount of open space to be acceptable, especially given the enhancement of the creek and riverside and the accessibility of the park (still to be provided) at Imperial Wharf.
- 19.135 Circadian points out that there has never been any public right of access to the site and that the proposal would create areas of accessible open space, as well as uses within the power station building, to which the public would be drawn. Neither, however, has there ever been housing on the site. Whatever the attraction that development would create, there must be adequate open space for the intended population of the site as well as those drawn to it from elsewhere.
- 19.136 There is dispute about how to calculate the area of open space to be provided. LBHF does not agree with all that Circadian would include on its part of the site.<sup>B</sup> CHRA would exclude more. In particular, it would exclude as publicly accessible open space circulation space within the site and the internal 'street' in the power station building.
- 19.137 I agree that the power station street should be excluded. It does not seem to me to accord either with any of the types of open space described in paragraph 2 of the Annex to PPG17 or with the functions described in paragraph 3. In particular, the reference to 'health and well-being' is in the context of open spaces, not enclosed ones. On the other hand, because of the essentially car-free nature of the proposals, I consider that most of the outdoor space can properly be included in the total. I would count all of the open space in the RBKC site. On the LBHF site, I would exclude the access route to the basement car parking but would include, given the way the major spaces are linked and integrated into the layout, the area around Building HF1 and the routes running between Buildings HF2, HF4 and HF5. Nor do I see why the riverside path should be excluded from open space calculations for the development that enables it to be provided, even if 'open spaces serving a wider area' would normally be excluded from net site density calculations.<sup>10.12</sup>
- 19.138 There is even an argument (though no one pursued it) for including the area of the creek as open space because, even without access to it, it would be a visual amenity – as in paragraph 3(vi) in the Annex to PPG17. However, given my exclusion of it from net residential density calculations, and the reason for so doing,<sup>C</sup> it would seem inconsistent to count it as part of the open space provision of the development.

<sup>A</sup> See paras. 10.4-10 (CHRA); paras. 15.10, 16, 27, 90 and 94 illustrate the concerns of local groups and individuals; LBHF's comments are at paras. 8.36-40, Circadian's at paras. 6.166-170.

<sup>B</sup> Document CD11 – the Statement of Common Ground includes two maps at Appendix 3 showing the open space on the LBHF site as calculated by Circadian and LBHF respectively.

<sup>C</sup> See para. 19.17.

- 19.139 In a sense, however, all of that is academic. There are no numerical standards at national level for the provision of publicly accessible open space in new development. Nor are there any in either UDP. Both seek the provision of publicly accessible open space but both require judgement to be applied to whether what is proposed would be acceptable.
- 19.140 My judgement is that it would be. The layout of the proposed development is such that virtually all of the spaces between the buildings are an integral part of a network of spaces and routes that I consider would provide a very attractive residential environment. Adding greatly to the sense of space around and within the development would be the river and the creek. And the concept of the internal street within the power station building is a further bonus in assessing the generality of accessible space within the site.
- 19.141 On the face of it, provision for recreational open space is more open to criticism. The only playspace for younger children would be towards the south-western edge of the LBHF site, in effect out of sight of the flats on the RBKC site. And there would be nowhere suitable for organised play or ball games.
- 19.142 On the first of those, supplementary planning guidance to the LBHF UDP seeks a minimum play area of 150sqm for development providing 100 or more child bed spaces.<sup>A</sup> If, as CHRA estimates, some 322 children up to the age of sixteen would live in the development, then the equipped play area that is proposed should be large enough for the number of children in the age range to use it. It should not matter that it is towards one extremity of the overall site, since the distance to it would not be great and it is highly unlikely that children up to the age of eight would be left to play there unattended.
- 19.143 On the second, LBHF is negotiating on the layout and content of the open space to be provided as part of the Imperial Wharf development a short distance to the south-west. It is hopeful of securing areas for ball games and organised play but what it is seeking and what has been proposed in the initial design for the area are very far apart.<sup>B</sup> On the other hand, the section 106 obligation with RBKC would provide £1 million towards public sports facilities in the vicinity of the site and £400,000 to fund rationalising and improving Westfield Park and providing play and other facilities within it.
- 19.144 Given the generally high density of building in RBKC and the acknowledged shortage of open space, it is not immediately clear how the £1 million would be used – but it must be assumed that, if RBKC could not see effective scope, it would not have agreed to the obligation. Westfield Park is a relatively small but attractive park within the Lots Road triangle. I am sure that there is scope for rationalising and improving it, although care would be needed to ensure that new facilities did not erode its character as a quiet green enclave within the surrounding built-up area.
- 19.145 Looked at in isolation, first reaction might be to have expected a greater area of open space and play space to be provided within the site. On balance, however, I conclude that the quality of the layout, the site's location beside the river and astride the creek, the proximity (along the riverside path) of the park to be created beyond Imperial Wharf and the contributions to be made to improving Westfield Park and sports facilities in RBKC are enough, taken together, to make the proposals acceptable in terms of PPG17. I think that the layout and setting are also enough to outweigh the fact that the private open space standards in the LBHF UDP would not be met. And I see no other failing against development plan policy that would justify rejecting the proposals.

<sup>A</sup> Document CD222A – p.7.

<sup>B</sup> Document HF5.

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**Matter (h) – whether the proposal is in accordance with national policy contained in PPG9 Nature Conservation**

- 19.146 No one save WLRG has raised serious criticisms of the proposals in terms of any adverse effect they would have on nature conservation. There have been criticisms, notably by the West London River Group (WLRG), the London Forum of Civic and Amenity Society (LFACS) and the River Thames Society (Lady Berkeley), that consideration of the Thames as a working river, and Chelsea Creek as part of it, have been subordinated to ecological conservation and enhancement as part of a residential environment. I deal with those under matter (b) below, in relation to the BRN policies of the London Plan.
- 19.147 Without intervention, the creek would progressively silt up. What is proposed (retention of the tidal regime and re-introduction of a regular discharge of water to the creek) would necessitate some narrowing of the bed of the creek, offset by the proposed terracing, which would create replacement inter-tidal habitats. That accords with the aims for Site 22 in the LBHF UDP and is endorsed by RBKC, LBHF, the Environment Agency and English Nature. Green roofs would offset the loss of existing wasteland habitats.<sup>A</sup>
- 19.148 WLRG criticises the levels of the terraces in relation to the tidal pattern and the resultant extent to which any particular terrace may be underwater.<sup>B</sup> It also notes a large number of what it sees as inconsistencies or inaccuracies on the application plans (to do with the levels of the footbridges as well as the levels and details of the proposals for the creek).<sup>C</sup> There may – or there may not – be reason for concern on particular details. What I am convinced of, however, is that the principle of the proposal is a sound one that can form the basis of a very attractive creekside 'park'. The details of the design can, in my opinion, be controlled by condition and resolved at a later stage.
- 19.149 Accordingly, I consider that the proposals comply with policy in PPG9, are consistent with the designation of the creek and basin as part of a Site of Metropolitan Importance, satisfy the various development plan policies and would bring a significant enhancement in the appearance of the creek.<sup>D</sup>

<sup>A</sup> See paras. 6.171-175 (Circadian), 8.40 (LBHF), 14.2 and 14.7 (WLRG), 15.9 (Cheyne Walk Trust) and 15.34 (Fulham Society); neither GLA nor RBKC comment on this matter.

Para. 14.2 records WLRG's view that the scheme fails against London Plan Policy 4C.3 but Document RG2 (para. 2.1.6.1) refers to HFHBG's evidence (Document HBG1), which is silent on the matter.

Para. 15.9 records the Cheyne Walk Trust's view that the opportunity has not been taken to create an impressive riverside/creekside park – but that view (in Document O/1) dates from a time when the Environment Agency was an objector to the proposals and appears to relate to open space provision rather than nature conservation. Para. 15.34 records the Fulham Society's view (in Document O/9) that the effect of the development itself on wildlife has not been properly considered – but I presume that English Nature would have had that in mind.

<sup>B</sup> Document RG1C.

<sup>C</sup> Documents RG3, RG4 and RG6.

<sup>D</sup> London Plan Policy 4C.3 (and also 4C.31, though it perhaps does not strictly apply), RBKC UDP Policies LR25 and LR26 and LBHF UDP Policies EN27 and EN29.

**Matter (a) – the relationship of the proposed development to the relevant policies and provisions of the adopted London Borough of Hammersmith & Fulham UDP**

19.150 In considering the substantive matters set out by the First Secretary of State in calling in the LBHF application, my conclusions in terms of the LBHF UDP are these.

- On matter (c) (PPG3), a mix of residential and open space use is appropriate for Site 22A (Chelsea Harbour 2), plus a substantial amount of affordable housing, all of which the scheme achieves. It accords with Policy HO5 (affordable housing), given the section 106 obligations, and also Policies HO7 (residential density) and HO8 (residential environment).
- On matter (d) (PPG13), I consider that the proposal, including the provisions of the section 106 obligations, accords with Policies TN2 (integration of transport and land use planning), TN5 (provision for pedestrians), TN6 (provision for cyclists), TN7 (impact on the Borough road network), TN11A (road traffic reduction), TN15 (parking standards), TN21 (public transport improvements), TN22 (public transport – buses) and TN26 (public transport – water).
- On matter (e) (PPG17), I consider that the scheme satisfies Policies HO8 in terms of amenity open space, EN23B (and Standard S7.1) on children's play areas and EN34 on the provision of the riverside walk. Policy HO12 (residential amenity space) and Standard S5A are not strictly met but the layout and setting of the site seem to me to compensate acceptably. Policy EN23 is something of an umbrella policy, which I consider met in all respects. The possible exception is in not including 'open land provision beyond that required to meet the needs of the development itself, particularly where ... the locality is identified as an area of general open space deficiency' – but there is no way to quantify the area of open space that might be provided and I find that the integration of spaces into the layout to take advantage of the creekside and riverside setting offsets any perceived shortage.
- On matter (f) (PPS1), I conclude that the proposal does not satisfy criteria (b) and (c) of Policy EN8 (design of new developments) because it fails to respect 'the scale, mass, form and grain of surrounding development' and 'the relationship of the proposed development to the existing townscape, including ... the skyline ...'. In essence, this is because of the height of the towers, the 37-storey tower in particular. Similarly, I conclude that the proposal fails Policy EN9 (high buildings) because the prominence of the towers would adversely affect the character of the areas from which they would be seen. For the same reason, it fails Policies EN31 (important views along, across and from the river) and EN31X (design of development within the Thames Policy Area). In all other respects, including against Standard S3 (daylight and sunlight) I find that the proposed design is satisfactory.
- On matter (g) (PPG15), I conclude that there would be no harm to the setting of any listed building or to the character or appearance of any conservation area other than identified in terms of matter (f) above. Save for that, the proposal satisfies Policies EN2 (development in conservation areas), EN2B (effect of development on the settings of conservation areas) and EN3 (protection of settings of listed buildings).
- On matter (h) (PPG9), the encouragement given to the enhancement of Site 22 (Chelsea Creek) would be satisfied. So too would Policies EN27 (Nature Conservation Areas) and EN29 (nature conservation on development sites), and also Policy EN37 (criteria for developments in the river) in so far as it applies to nature conservation and this site. The

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loss of protected trees may be regretted (Policy EN25) but, in my opinion, would be more than offset by the landscaping proposals (Policy EN26).

19.151 There are no other policy provisions in the LBHF UDP which I consider contravened by the proposals. While I have found objection only in relation to Policies EN8, EN9, EN31 and EN31X, I consider that objection a compelling one.

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**Matter (i) – the relationship of the proposed development to the relevant policies and provisions of the adopted Royal Borough of Kensington and Chelsea UDP**

19.152 In considering the RBKC appeal against the substantive matters set out by the First Secretary of State in calling in the LBHF application, my conclusions in terms of the RBKC UDP are these.

- On matter (c) (PPG3), this site is Site 17 in the Schedule of Major Development Sites and residential use (amongst others) is identified as acceptable. The proposal clearly accords with Policy H2 (seeking the development of land for residential use). It also satisfies Policy H23 (affordable housing), given the provisions of the section 106 obligation. Although it runs contrary to Policy H12 (resisting very high residential densities save for townscape reasons), the nature of the policy seems to me to run counter to London Plan policy and the tenor of the guidance in PPG3.
- On matter (d) (PPG13), the proposal satisfies Policy TR1 because of the section 106 obligations to improve public transport. I also conclude that it satisfies Policies TR4 (pedestrian routes and accesses), TR8 (cycle routes), TR12 (support for the WLL), TR14 (new and improved bus services), TR23 (increased use of the Thames for public transport), TR36 (increases in traffic and parking), TR37 (contributions to transport services and facilities) and TR42 (off-street parking).
- On matter (e) (PPG17), I conclude that the proposal satisfies Policies H7 (provision of open space and play space) and LR14 (provision of open space), though what is proposed will be publicly accessible open space rather than public open space. It satisfies Policies CD7 and LR19 (Thames Path) in so far as it can while a downstream continuation remains impossible. The design of the scheme would satisfy Policy LR38 (active and tranquil uses of open space). It would not meet the aims of Policies LR2 (additional sports and recreational facilities) or LR40 (communal play provision) on site but I consider that to be offset by the section 106 obligation and the proximity of the anticipated park at Imperial Wharf.
- On matter (f) (PPS1), the proposal would fail Policies CD1 (to protect and enhance views and vistas along the riverside), CD27 (to be compatible with the scale, height, bulk, materials and character of the surroundings), CD28 (development to be physically and visually integrated into its surroundings) and CD37 (high building which would harm the skyline) because of the prominent and overbearing effect of the towers, the 37-storey tower in particular. Strictly speaking, it fails Policy CD6 for the same reason – but I do not consider that the policy's generalised height constraint can be justified for this location. I also find that the proposal satisfies Policy CD33 (sunlight and daylight).
- On matter (g) (PPG15), I conclude that there would be no harm to the setting of any listed building or to the character or appearance of any conservation area other than identified in terms of matter (f) above. Save for that, the proposal satisfies Policies CD57 (character and appearance of conservation areas), CD63 (views into and out of conservation areas), CD69 (settings of listed building) and CD25 (Parks and Gardens, Brompton Cemetery in this case).
- On matter (h) (PPG9), I find that the design of the proposal takes proper account of Policies LR25 (ecological management) and LR26 (effect on nature conservation).

19.153 As with the LBHF UDP, there are no other policy provisions in the RBKC UDP which I consider contravened by the proposals. While I have found objection only in relation to Policies CD1, CD27, CD28 and CD37, I consider that objection a compelling one.

**Matter (b) – the relationship of the proposed development to the relevant policies and provisions of the London Plan, in particular those concerning development affecting the Thames**

19.154 In considering both the application and the appeal against the substantive matters set out by the First Secretary of State in calling in the former, my conclusions in terms of the London Plan are these.

- On matter (c) (PPG3), the proposal would clearly make a significant contribution to housing targets set out in Policy 3A.2. It more than satisfies Policy 4B.3 (maximising the potential of sites) because the proposed residential density is higher than would seem appropriate from Table 4B.1. It would satisfy Policy 3A.5 (large residential developments) only because of the SITS package in the section 106 obligations. I also consider that it satisfies Policy 3A.7 (affordable housing), even though the proportion of affordable housing is marginally below 50%.
- On matter (d) (PPG13), the proposal, by virtue of the SITS package, satisfies Policies 3C.1 (integrating transport and development), 3C.2 (matching development to transport capacity) and 3C.16 (tackling congestion and reducing traffic).
- On matter (e) (PPG17), Policy 3D.11 (open space strategies) is not a development control policy but the quality of what is proposed on-site plus the contributions to off-site enhancements put the proposal in line with its aims.
- On matter (f) (PPS1), the proposal satisfies Policy 2A.1 (sustainability criteria), partly because of the provisions in the section 106 obligations. It also meets almost all of the criteria in Policy 4B.1 (design principles for a compact city). I see nothing that militates, in principle, against a tall building on this site. I conclude, however, that the height of the proposed towers, the 37-storey tower in particular, fails to respect local context and character; as a result, and whatever the quality of the architecture assessed in isolation, the scheme would not be attractive to look at in its context. It is this criticism that puts the proposal in conflict with Policies 4B.8 (tall buildings – location), 4B.9 (large scale buildings – design and impact) and 4C.20 (design – starting from the water). Even so, I consider that the proposal would satisfy Policy 4B.5 (creating an inclusive environment).
- On matter (g) (PPG15), notwithstanding my conclusion on the proposed towers, I find that the scheme satisfies Policies 4B.11 (heritage conservation) and 4B.12 (historic conservation-led regeneration).
- On matter (h) (PPG9), I find no conflict with Policy 3D.12 (biodiversity and nature conservation).

19.155 Though it does not seem to fit readily into any of the call-in matters, I also find no objection in terms of the caveat against large-scale development in Central London outside the CAZ.<sup>A</sup> While this would be large-scale development, so too would any development of the site – but it would not displace any existing smaller-scale use or activity at all, far less any that contribute to the character of the area, and so does not seem to me to come within the ambit of the guidance.

19.156 Subject to what I say below about the Blue Ribbon Network (BRN) policies, there are no other policy provisions in the London Plan which I consider contravened by the proposals. While I have found objection in relation only to Policies 4B.1, 4B.8, 4B.9 and 4C.20, I consider that objection a compelling one.

<sup>A</sup> Document CD174, para. 5.48 – see paras. 6.91 (Circadian), 7.7 (GLA) and 9.61-62 (RBKC).

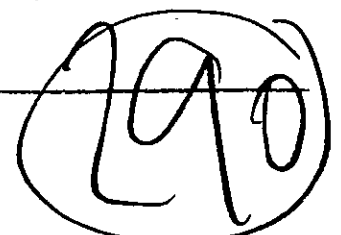


***The Blue Ribbon Network (BRN) policies***

- 19.157 The assessment above is of the proposal against the specific policies that apply to its characteristics and component parts. WLRG, LFACS and Lady Berkeley raised a very different matter – whether the proposal recognises the strategic importance of the BRN, as required by Policy 4C.1 and covered in greater detail by the policies that follow it.<sup>A</sup>
- 19.158 First of all, this proposal has a long history. There is a planning permission on the LBHF site, for phase two of the Chelsea Harbour development, dating back to the 1980s. The site is identified for development in both the RBKC and LBHF UDPs, adopted in 2002 and 2003 respectively but obviously having undergone a long preparation period before that. In both, a residential-led scheme is anticipated. There is nothing in either UDP to suggest that water-based uses should be preferred, even for parts of the site.
- 19.159 The London Plan was published in 2004. If one starts from the UDP proposals, then the strategic policies in the London Plan that seem most applicable to this site and its anticipated development are 2A.1 (sustainability criteria), 4B.3 (maximising the potential of sites), 3A.5, 3C.1 and 3C.2 (all to do with integrating transport and development). The proposal satisfies all of those.
- 19.160 At the same time, the London Plan also introduces, in its own chapter, the concept of the BRN. I do not believe that the BRN policies, cross-cutting though they may be, can have the effect of negating proposals already adopted in UDPs for major development on a site on the bank of the Thames. It is not uncommon for development proposals to create tension between development plan policies, some of which will pull in one direction, others in another. Here, the tension created by a proposal for residential development would equally be created if the site were proposed for river-based uses – in particular, its loss for substantial residential development would be contrary to the housing strategy of the Plan.
- 19.161 The Mayor has come out firmly in favour of providing high-density housing on the site, pointing out that successful implementation of the BRN Principles ‘means balancing competing economic, social and environmental interests to contribute to achieving sustainable development’.<sup>B</sup>
- 19.162 Looking at the BRN policies referred to by objectors, there are some on which either I see no harm or else I have already addressed the subject under one of the call-in matters above. On Policy 4C.10 (historic environment), there is nothing to add to what I have already said under matters (f) and (g). On Policy 4C.13 (passenger and tourism uses on the BRN), there are no existing facilities within the site and the proposed development would encourage greater use of the river bus. In the terms of Policy 4C.14 (freight uses on the BRN), the fact that the proposal would not increase use of the river for freight cannot count against it in principle. New or improved uses or facilities are encouraged, promoted or welcomed by Policies 4C.18 (support facilities and activities in the BRN), 4C.24 (importance of the Thames) and 4C.27 (green industries along the Thames) – but not required. I take Policy 4C.20 (design – starting from the water) to be, as its title and the title of the sub-section suggest, purely a design policy – not one which addresses the suitability in principle of a proposed use for a riverside site. Similarly, I consider that

<sup>A</sup> See paras. 14.1-10 (WLRG), 15.52-57 (LFACS), 15.65-80 (Lady Berkeley), 6.176-179 (Circadian) and 7.11-12 (GLA).

<sup>B</sup> Document CD174 – para. 4.75 on p.194.



Circadian has done what is sought by Policy 4C.21 – it is opinion on the merit of the proposal that differs.

- 19.163 Nor do the other policies seem to me to offer a convincing argument against the principle of what is proposed. On the face of it, Policy 4C.2 (context for sustainable growth) causes no objection. The supporting text says that the BRN 'is a resource for London and its use must ensure the future protection and enhancement of the network' – which raises the question of whether the proposed development would inhibit the future use of the creek as part of the BRN. In this context Policy 4C.12 (sustainable growth priorities for the BRN) says that uses should be prioritised in favour of those specifically requiring a waterside location (including transport, leisure and recreation). But there is no water-based use which could reasonably be expected to occupy the site, or part of it, if this scheme did not go ahead – and thus no use to which priority might reasonably be given in terms of Policy 4C.12. Notwithstanding the adoption of the Thames strategy – Kew to Chelsea as supplementary planning guidance by LBHF,<sup>14.4</sup> it is difficult to see the objection as more than a desire by the objectors that the land should be available for any such use, should a firm proposal emerge. (That said, I find the desire understandable, given the valid point that there are very few opportunities even to moor a boat along this stretch of the river.<sup>15.72</sup>)
- 19.164 Policy 4C.16 (increasing sport and leisure use on the BRN) seeks to protect existing facilities for those uses. It also encourages new development and facilities which would increase the use of the BRN, but with an important proviso – not in locations where there would be conflict with nature conservation interests. Policy 4C.19 (mooring facilities on the BRN) looks to protect existing facilities and points new ones towards basins or docks or sites where navigation, biodiversity and character would not be harmed. And Policy 4C.31 (rivers, brooks and streams), which might be taken to apply to the creek and basin, looks to protect, improve and respect such features and, in particular, to improve their habitat and amenity value. There are no existing moorings within the site but the creek and basin are designated a Site of Metropolitan Importance, something which could militate against any proposal for water-based development causing a loss of biodiversity or habitat value. On the other hand, there is no doubt in my mind that the proposed scheme would have a beneficial effect for nature conservation and cannot be criticised in relation to Policies 4C.19 and 4C.31.
- 19.165 Only one thing pulls in the opposite direction. Policy 4C.22 (structures over and into the BRN) would count against a proposal that would have an adverse impact on navigation. The three bridges proposed over the creek are intended to give the same clearance (air draft) over the water as the existing road bridge leading from Lots Road to Chelsea Harbour. WLRG's evidence is that they would not – though it seems to me that the differences identified are sufficiently small that appropriate clearance could be secured by a condition controlling the detailed design. Assuming the same air draft as the road bridge, there would be no greater an impediment to the height of craft that could enter the basin and the practicality of implementing the proposals of the Chelsea Creek Project<sup>14.6</sup> would be made no more difficult.
- 19.166 The bridges would, on the other hand, affect the use of the creek itself by boats – because the height limitation would come so much closer to its mouth. However, the only regular use of the creek known to take place at present is by the Westminster Boating Base for canoeing and kayaking,<sup>A</sup> which ought not to be impeded by new bridges giving the same

<sup>A</sup> Document G/4 – letter dated 26 January 2005.

clearance as the road bridge. There are other safety aspects arising from the proposals for the creek, such as potential hazards from the submerged terraces or from posts – but that can be overcome by a condition controlling detailed design.

- 19.167 A final matter affecting the Thames but not specifically addressed in London Plan policy is flood storage capacity. WLRG takes issue with the storage capacity offered by the proposals in comparison with existing capacity.<sup>14.3</sup> I take a simple approach. The Environment Agency is the responsible authority and is content with the proposals as they now stand. I see no reason to take a different view.

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**Matter (k) – other relevant material planning considerations**

***The fall-back position<sup>A</sup>***

19.168 A potential fall-back clearly exists in that there is an extant planning permission for what is known as Chelsea Harbour Phase 2. The scheme reflects the fact that the permission was granted nearly 20 years ago. It does not provide for affordable housing or public transport improvements. One can understand that there would be reluctance to propose any major amendment to the permitted scheme because of the likelihood of significant contributions to both being sought. If implemented, therefore, it would be noticeably out of kilter with present-day policy and practice.

19.169 On the other hand, I wonder whether there is actually a reasonable prospect of that fall-back coming about. Circadian has invested considerable time, effort and funds in preparing a comprehensive scheme for the two parts of the site. Market perceptions must have been a significant influence in that. So must have been the master planning of the area. The merit of the proposals for the power station building, acknowledged by almost everyone, depends, to an extent, on the two bridge crossings to the LBHF site. The commendable permeability and accessibility of the proposal is substantially dependent on those two bridges. It is difficult to envisage development proceeding on the LBHF site which would preclude those benefits coming forward in one form or another.

19.170 At the same time, the fall-back applies only to the LBHF site. If an appropriate design were drawn up for the RBKC site, one could expect it to incorporate at least some (or part) of the benefits of the overall scheme. The site would be opened up, at least to an extent. And one could expect a scheme to contribute, *pro rata*, to affordable housing and public transport improvements.

19.171 On balance, and while recognising that commercial considerations might well influence a decision to proceed, or to sell one or both parts of the site, I do not believe that much weight should be given to the prospect of the Chelsea Harbour Phase 2 planning permission being implemented should these proposals be rejected.

***The benefits claimed for the scheme<sup>B</sup>***

19.172 To an extent, there is an overlap between the benefits claimed for the scheme and the fall-back. Most of the claimed benefits are comparative rather than absolute – while they might not flow from the fall-back, similar benefits could nowadays be expected of any alternative scheme for the overall site. The mixed-use nature of the scheme, the high proportion of affordable housing, the transportation infrastructure improvements, the social and community benefits and the environmental enhancement all fall into this bracket. The retention of the power station building, or more particularly the manner of its retention, is a clear benefit of the scheme – but, like the planning brief, I would not have objected, in principle, to a scheme that sought complete redevelopment.

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<sup>A</sup> See paras. 6.26-36 (Circadian) and 9.106-108 (RBKC).

<sup>B</sup> See paras.6.37-46.

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**Matter (j) – whether any permission should be subject to conditions and, if so, the form they should take**

- 19.173 Recommended conditions, should the appeal be allowed and the application permitted, are set out below in Annex C. They take into account what was said and suggested at the inquiry. The executed obligations cover many matters that might, in accordance with government advice, have been dealt with by conditions. Having been addressed in the obligations, however, I see little merit, and some potential for confusion or conflict, in making those same matters the subject of conditions. I deal here with five matters flowing from section 17 above.
- 19.174 Firstly, allowing commencement of the RBKC development within seven years of the date of permission seems generous. The outline construction programme shows works for the refurbishment of the power station commencing sixteen months after construction work starts on the LBHF site. However, decontamination, dismantling and demolitions on the RBKC site are due to start at the same time as decontamination and demolitions on the LBHF site. I suspect that those works would constitute a start to the development, notwithstanding Circadian's comment about the premature triggering of section 106 obligation contributions.
- 19.175 Secondly, seven units on the ground floor of the power station building<sup>A</sup> are identified for 'A1/A2' use, a change from the earlier proposals in which most were proposed as shops, the largest as a foodstore. Shops to meet day-to-day needs would aid integration of the development into the surrounding area. A foodstore would probably be very useful in achieving that objective and avoiding the need for journeys away from the site. Conversely, A2 uses, by their nature, would likely be less successful. Circadian's evidence itself envisages 'a small local convenience foodstore, supplemented by a small number of other shops, to include perhaps a newsagent, chemist and other similar local facilities'.<sup>B</sup> And closing submissions referred to the shopping to be provided.<sup>6.39; 6.97</sup> To leave the option of A1 or A2 use for all of the units could easily see them all put to A2 use. The A1/A2 specification may represent a more positive approach – but could too easily lead to a result that hindered expectations for the development. I believe it is correct to accept RBKC's stance – the choice is either not to accept the amendment or to impose conditions limiting the use to A1 and, in the case of unit KC3.0-16, to a foodstore. If it were shown that any of the units could not be let for retail use, then the condition(s) might be relaxed.
- 19.176 Thirdly, while I understand RBKC's position on parking for Kensington and Chelsea Community Transport buses, and am sympathetic to it, I think that the absence of reference in the ES and the Statement of Common Ground is critical. At the same time, clause 24.6 in the obligation ensures provision of off-street parking for group transport vehicles, which seems to me reasonable in terms of what might be justified by the development proposal itself.
- 19.177 Lastly, I very much agree with the suggestion that conditions requiring prior approval of details should be geared to the phasing of the development.

<sup>A</sup> Document CD3 – the plan at p.13.

<sup>B</sup> Document A/AS/P – para. 16.7.4; para. 16.7.5 notes that this accords with UDP Policies S10 and S11.

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### Overall conclusion

- 19.178 I find that that there is much to be welcomed in these redevelopment proposals. They accord with national policy in PPG3 *Housing* in relation to land use, the re-use of previously developed land, mixed-use, the quality of the residential environment and the amount of affordable housing to be provided. Some aspects of the design are very much to be applauded – notably, the conversion and opening up of the power station building and the general accessibility and permeability of the site layout. The proposals accord with policy in PPG13, due in substantial part to the SITS package incorporated in the section 106 obligations. They also accord with policy in PPG9, subject to the details of the design, and in PPG17, primarily because of the quality of the layout, the location beside the river and astride the creek, and the section 106 obligations towards improving existing facilities.
- 19.179 The one aspect on which I find the objectors' cases justified is the height of the proposed towers, the 37-storey tower in particular. My objection is purely a visual one – that the 37-storey tower would appear unduly tall and overbearing in views from the river and from the Lots Road triangle. While the proposed 25-storey tower appears to me to be a more acceptable height, the combined mass of the two towers would contribute to the visual impact in some views. I consider this to be a compelling objection, the merits of other aspects of the proposals notwithstanding – and the support for the proposals from GLA, CABE and EH notwithstanding.
- 19.180 That conclusion is a simple one. More complex is assessing the relationship the proposed towers would have with the retained power station building and its chimneys, about which I have some misgivings. However, in so far as any other intensive development on the site would reduce the landmark quality of the power station building, and leave it looking somewhat out of place or anachronistic, I have come to the conclusion that a new tall building (or buildings), but not as high as presently proposed, need not be unacceptable in principle.
- 19.181 My objection to the height of the proposed towers is not, to any material extent, a product of the density of the proposed development. The residential density might be too high for the location in arithmetical terms but, since I find no undue harm in relation to general design and layout, traffic and transport impacts and open space provision, so the density may be considered acceptable.
- 19.182 In Development Plan terms, I conclude that the proposals fail to satisfy London Plan Policies 4B.1, 4B.8, 4B.9 and 4C.20, LBHF UDP Policies EN8, EN9, EN31 and EN31X and RBKC UDP Policies CD1, CD27, CD28 and CD37 (and also CD6, though I give it little weight). I consider that this should lead to their rejection.

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## **20 RECOMMENDATIONS**

### **Appeal Ref. APP/K5600/A/04/1146268**

20.1 I recommend that the appeal be dismissed.

### **Application Ref. APP/H5390/V/04/1148781**

20.2 I recommend that planning permission be refused.

Inspector

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## ANNEX A – APPEARANCES

### FOR CIRCADIAN LIMITED (the Applicant)

Mr Keith Lindblom QC  
Miss Mary Cook of Counsel with him

They called

Sir Terry Farrell CBE BArch(Hons) March  
MCP HonDArts RIBA HonFRIAS  
HonFAIA MRTPI FRSA FCSD

Professor Robert Tavernor BA DipArch PhD  
RIBA

Mr Gordon Ingram MRICS

Mr Neil Tully MA MLI

Mr Hedley Walker MCIT MIHT BSc MSc

Mr Les Jephson Beng MIAO

Ms Sarah Wilkinson BSc MSc Cphys MinstP

Mr Derek Wilson BSc Ceng MICE

Mr John Marsh BSc(Hons) MSc FGS

Mr Julian Arthur BSc(Hons) MSc MIEEM

Mr Alan Simmonds BSc(EstMan) FRICS

Instructed by Messrs Addleshaw Goddard,  
150 Aldersgate Street, London, EC1A 4EJ.

Principal, Terry Farrell & Partners,  
7 Hatton Street, London, SW8 8PL.

Professor of Architecture and Head of Department of  
Architecture and Civil Engineering, University of Bath.<sup>A</sup>

Principal, Gordon Ingram Associates, The Whitehouse,  
Belvedere Road, London, SW1 8GA.

Principal, Neil Tully Associates, 70 Cowcross Street,  
London, EC1M 6EJ.

Regional Director of Transport, Capita Symonds,  
24-30 Holborn Street, London, EC1N 2LX.

Acoustic Consultant and Joint Principal, ANV, Hastings  
House, Auckland Park, Milton Keynes, MK1 1BU.

Principal Consultant and Consultancy Manager,  
Cambridge Environmental Consultancy Limited, 3 King  
Parade, Cambridge, CB2 1SJ.

Projects Director, Taylor Woodrow Construction  
Limited, 41 Clarendon Road, Watford, Hertfordshire.

Associate Environmental Engineer, Waterman  
International, Kirkaldy House, 99 Southwark Street,  
London, SW1 0JF.

Principal Ecologist, CPM Environmental Planning and  
Design, Akeman House, Coln St Aldwyns, Cirencester,  
Gloucestershire, GL7 5AW.

Partner, DP9, Cassini House, 57-59 St James, London,  
SW1A 1LD.

### FOR THE MAYOR OF LONDON (GLA and TfL)

Miss Morag Ellis of Counsel

She called

Mr Nick Bond MCIT Beng(Hons) MSc

Mr William Steadman BSc MSc

Mr Colin Wilson BSc(Hons) MA MRTPI  
IHBC

Instructed by Howard Carter, Head of Law at the GLA.

Principal Transport Consultant, Savell Bird & Axon.

Senior Planning Officer, TfL.

Senior Strategic Planning Officer for the GLA.

<sup>A</sup> Professor Tavernor took up the position of Professor of Urban Design and Director of the Cities Programme at the London School of Economics on 1 April 2005.

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**FOR THE LONDON BOROUGH OF HAMMERSMITH & FULHAM (LBHF)**

Mr Andrew Beresford

Assistant Head of Legal Services with LBHF.

He called

Mr Matt Butler BSc(Hons) MSc MA

Planning Officer (Appeals, Special Projects and Standards Section) with LBHF.

**FOR THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA (RBKC)**

Mr Russell Harris QC

Instructed by Giftý Edila, Director of Law and Administration, RBKC.

He called

Mr Denis McCoy DiplArch ARIBA FRTPI  
FRIAI

Sole Principal, McCoy Associates, 54 New Street,  
Henley-on-Thames, RG9 2BT.

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

Mr David Blundell of Counsel

Instructed by Colin Buchanan and Partners, Newcombe House, 45 Notting Hill gate, London, W11 3PB.

He called

Mr Adrian Cole BA MSc

Associate Director, Colin Buchanan and Partners.

Mr John Pringle AADipl RIBA

Principal, Pringle Richards Sharratt, and founder member of the Lots Road Action Group.

Mrs Angela Dixon MA(Cantab) HonMRTPI

Chairman of the Hammersmith and Fulham Historic Buildings Group.

Mr Greg Lee BA(Hons) BPI MRTPI

Associate Director, Colin Buchanan and Partners.

**FOR THE LOTS ROAD ACTION GROUP**

Mr Pringle also gave evidence on matters specific to the Group.

**FOR THE HAMMERSMITH AND FULHAM HISTORIC BUILDINGS GROUP**

Mrs Dixon also gave evidence on matters specific to the Group.

**FOR THE CHELSEA SOCIETY**

Evidence was given and cross-examination questions asked by both

Mr David Le Lay RIBA FRSA,

Chairman of the Society, and

Mr Terence Bendixson,

Honorary Secretary, Planning, of the Society,  
47 Cranley Place, London, SW7 3AB.

## **FOR THE WEST LONDON RIVER GROUP**

Evidence was given and cross-examination questions asked by both

Mr Roger Weston

Chairman of the Group, and

Mr Peter Makower MA DipArch DipTP  
FRIBA MRTPI (ret'd)

Honorary Planning Advisor, 89 Hartington Road, Chiswick,  
London, W4 3TU.

## **OTHER INTERESTED GROUPS AND INDIVIDUALS**

Mr Richard Sharp FRICS

Honorary Treasurer, the Cheyne Walk Trust,  
110 Cheyne Walk, London, SW10 0DJ.

Mr James Wilson

13 Stadium Street, Chelsea, London, SW10 0PU.

Cllr Brendan Bird

1 Sullivan Road, London, SW6 3DT.

Cllr Jennifer Kingsley

5 Thurlowe Street, London, SW7 2SS.

Mr John Putnam

on behalf of the Fulham Society, 44 Ranelagh Garden  
Mansions, London, SW6 3UQ.

Cllr Greg Hands

131 Rylston Road, London, SW6 7HP.

Cllr Frances Stainton

Studio 5, Chelsea Studios, 410-414 Fulham Road, London,  
SW6 1EB.

Ms Christy Austin BIDA MCSD

2 Sydney Close, Avenue Studios, London, SW3 6HN.

Mr Harvey Heath

on behalf of the Battersea Society, 42 Bolingbroke Grove,  
Battersea, London, SW1 6EH.

Mr Ray Moxley FRIBA RWA DiplArch

10 The Belvedere, Chelsea Harbour, London, SW10 0XA.

Mr Peter Eversden

Chairman of the London Forum of Amenity and Civic  
Societies, 40 Abinger Street, London, W4 1EX.

Mr James Wooster

14c Paveley Drive, Morgan's Walk, London, SW11 3TP.

Miss Annie Edwards

on behalf of the Campaign for Fair Play Residents'  
Association, 54 Ifield road, London, SW10 9AD.

Mr John Rawnsley

110c Ifield Road, London, SW10 9AF.

Lady Dido Berkeley

on behalf of the River Thames Society, 48 Church Street,  
Old Isleworth, Middlesex, TW7 6BG (assisted by Mr Alex  
Goodman, barrister, instructed by the Environmental Law  
Foundation on behalf of the Society).

Mr David Fisher QC

Chairman of the Paultons Square Residents' Association,  
14 Paultons Square, London, SW3 5AP.

Mr Arthur Tait

Chairman of the Friends of Brompton Cemetery, 39  
Hollywood Road, London, SW10 9HT.

Cllr Keith Cunningham

Kensington Town Hall, Hornton Street, Kensington, London,  
W8 7NX.

Mrs Kate Phillips

on behalf of the Ashburnham Parent and Toddler Group,  
40 Burnaby Street, London, SW10 0PL.

Cllr Steven Redman

Kensington Town Hall, Hornton Street, Kensington, London,  
W8 7NX.

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## ANNEX B – DOCUMENTS

### CORE DOCUMENTS

#### General

CD1	A3 folder of plans (landscape/context/red line)
CD1A	Power Station measurement plans (three)
CD2	A3 folder of RBKC application plans (25/10/04)
CD3	A3 folder of LBHF application plans (25/10/04)
CD4	File of Rule 6 Statements – RBKC appeal
CD5	File of Rule 6 Statements – LBHF call-in application
CD7	Model photographs portfolio
CD8	File of third party correspondence received by PINS
CD9	Inspector's pre-inquiry meeting note
CD10	Draft Section 106 obligations
CD11	Statement of Common Ground on planning
CD12	Three Statements of Common Ground on transportation
CD13	1986 fallback development documentation (LBHF permission ref. 86/20/00393/22)
CD14	Conservation Area plan covering RBKC and LBHF in the vicinity of the site
CD15	Draft conditions comprising – a draft dated 23/2/05 annotated following discussion with LBHF, a draft dated 23/2/05 annotated following discussion with RBKC, an RBKC draft dated 24/2/05 and three individual conditions (all undated)
CD16	Note from RBKC on Westfield Park and Sports Facilities contributions and extract of Transport Assessment 2002 relating to the Community Buses planning condition

#### RBKC Planning Appeal

CD17	Planning application and covering letter of 6/6/02
CD18	Application plans (superseded)
CD19	Officers' report to Major Planning Applications Committee on 15/9/03, with addendum report and minutes
CD20	Officers' report to Major Planning Applications Committee on 28/10/03 including Appendix 1 thereto
CD21	Addendum to officers' report to Major Planning Applications Committee on 28/10/03
CD22	Minutes of Major Planning Applications Committee of 28/10/03
CD23	Resolution of Major Planning Applications Committee of 13/11/03
CD24	Committee report of 25/11/03 informing LBHF of RBKC objection LBHF application 2002/03132/FUL, with minutes
CD25	Planning appeal dated 26/3/04
CD26	Appeal questionnaire (four volumes)
CD27	Addleshaw Goddard letter of 25/10/04 and amended application plans
CD28	FSS letter of 22/11/04
CD29	Addleshaw Goddard letter of 1/12/04
CD30	Addleshaw Goddard letter of 10/1/05 submitting further amended plans
CD31	File containing relevant correspondence between the parties
CD31A	RBKC letter of 31/1/05 relating to the ground floor plan
CD31B	RBKC letter to Addleshaw Goddard of 4/2/05
CD31C	RBKC letter to PINS of 25/2/05 enclosing letters of 10/12/04 and 4/2/05
CD31D	Document amplifying City of Westminster objection

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### **LBHF Planning Application**

CD32	Planning application form and covering letter
CD33	Application plans (superseded)
CD35	Officers' report of 25/6/03
CD36	Article 14 Direction dated 18/7/03
CD37	Resolution of 25/6/03 to grant planning permission
CD39	Addleshaw Goddard letter of 26/3/04 requesting call-in of application
CD40	Call-in letter of 19/4/04
CD41	Addleshaw Goddard letter of 25/10/04 and amended application plans
CD42	FSS letter of 22/11/04
CD43	Committee minutes of 25/6/03
CD44	Addleshaw Goddard letter of 1/12/04
CD45	Committee report of 2/7/03
CD46	Committee report of 4/3/02
CD46A	Committee report of 11/9/02
CD46B	LBHF letter to PINS of 28/2/05

### **Environmental Statement**

CD47	Public notice of 4/12/02 and advertisement placed in Kensington Informer of 6/12/02 pursuant to Regulation 14 of the EIA Regulations
CD48	Environmental Statement (ES) dated December 2002
CD49	Regulation 19 request of 23/1/03
CD50	Regulation 19 request of 30/1/03
CD51	ES Addendum dated February 2003 and covering letter of 3/3/03
CD52	Letter of 23/11/04 to all parties informally submitting updated ES in advance of request by FSS
CD53	FSS's Regulation 19 request of 22/11/04
CD54	Updated ES plus Non-Technical Summary, formally submitted on 23/11/04
CD55	ES Appendix A1 – Detailed analysis of planning policy position
CD56	ES Appendix A2 – Tall Buildings Justification
CD57	ES Appendix B – Socio-Economic Studies
CD58	ES Appendix C1 – Townscape and Visual Assessment
CD59	ES Appendix C2 – Standing Building Assessment
CD60	ES Appendix D1 – Archaeological Assessment
CD61	ES Appendix D2 – A Report on Geo-Archaeological Monitoring of Geotechnical Boreholes
CD62	ES Appendix E – Assessment of Options for Chelsea Creek
CD63	ES Appendix F1 – Criteria for Evaluation of Ecological Receptors and Assessment of Significance of Impact
CD64	ES Appendix F2 – Inter-Tidal Ecological Report
CD65	ES Appendix F3 – Lots Road Bird Survey
CD66	ES Appendices F4/F5/F6 – Terrestrial Invertebrate Assessment
CD67	ES Appendices G1/G2 – Handover Condition Report and Report on Asbestos Containing Materials
CD68	ES Appendix G3 (Part 1) – Site Investigation and Environmental Assessment
CD69	ES Appendix G3 (Part 2)
CD70	ES Appendix H – Transport Assessment
CD71	ES Appendix I – Dispersion Modelling Study
CD72	ES Appendix J – Noise and Vibration
CD73	ES Appendix K1 – Wind Tunnel Test Results
CD74	ES Appendices K2-K10 – Sunlight and Daylight Report
CD75	ES Appendix L – TV Reception Interference

### **International**

- CD83 International Telecommunications Union Recommendation 417-4, Section 11c, Terrestrial Television Planning
- CD84 WCED, 1987. Report of the World Commission on Environment and Development, A/RES/42/189, 96<sup>th</sup> Plenary Meeting
- CD85 World Health Organisation (1999) Guidelines for Community Noise
- CD86 Daughter Directive (1999/30/EC)

### **Acts**

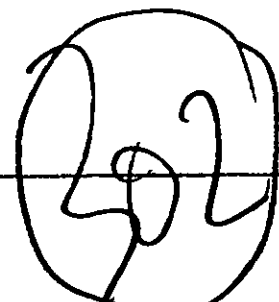
- CD94 Health and Safety at Work Act 1974
- CD95 Town and Country Planning Act 1990 (as amended)
- CD96 Environmental Protection Act 1990
- CD97 Water Resources Act 1991
- CD98 Environment Act 1995

### **Regulations**

- CD102 Water Supply (Water Quality) Regulations 1989
- CD103 Environmental Protection (Amendment of Regulations) Regulations 1991
- CD104 Building Regulations 2001
- CD105 Waste Management Licensing Regulations 1994
- CD106 Construction (Design and Management) Regulations 1994
- CD107 Groundwater Regulations 1998
- CD108 Water Supply (Water Quality) (Amendment) Regulations 1999
- CD109 Air Quality (England) Regulations 2000
- CD110 Control of Asbestos at Work (Amendment) Regulations 2002
- CD111 Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999
- CD112 Air Quality (England) (Amendment) Regulations 2002
- CD113 Town and Country Planning (Mayor of London) Order 2000

### **Government Planning Policy and Draft Policy**

- CD118 Draft PPS1
- CD119 Draft PPS6
- CD120 PPS1: Delivering Sustainable Development (2005)
- CD121 The Planning System: General Principles (ODPM 2005)
- CD123 PPG1: General Policy and Principles (1997)
- CD124 PPG3: Housing (2000)
- CD124A PPG3 Update, January 2005
- CD125 Annex to PPG3 on Affordable Housing
- CD126 PPG4: Industrial and Commercial Development and Small Firms (1994)
- CD127 PPG6: Town Centres and Retail Developments (1996)
- CD128 PPG8: Telecommunications (August 2002)
- CD129 PPG9: Nature Conservation (October 1994)
- CD130 PPG13: Transport (2001)
- CD131 PPG15: Planning and the Historic Environment (September 1994)
- CD132 PPG16: Archaeology and Planning (November 1990)
- CD133 PPG17: Planning for Open Space, Sport and Recreation (July 2002)
- CD134 PPS23: Planning and Pollution Control
- CD135 PPG24: Planning and Noise (September 1994)
- CD136 PPG25: Development and Flood Risk (July 2001)
- CD137 Circular 11/95: The Use of Conditions in Planning Permissions



- CD138 Circular 1/97: Planning Obligations
- CD139 Draft revised Circular on Planning Obligations (November 2004)
- CD140 Circular 6/98: Planning and Affordable Housing
- CD141 Circular 02/99: Environmental Impact Assessment
- CD142 PPG17 Companion Guide
- CD143 A better quality of life: A strategy for sustainable development for the United Kingdom (DETR, 1999)
- CD144 The Air Quality Strategy for England, Scotland, Wales and Northern Ireland; Working Together for Clean Air (DETR 2000)
- CD145 Our towns and cities: the future – Delivering an urban renaissance (November 2000)
- CD146 By Design, Urban design in the planning system: towards better practice (DTLR/CABE, 2000)
- CD147 By Design: Better places to live – A companion guide to PPG3 (DTLR/CABE, 2001)
- CD148 The Air Quality Strategy for England, Scotland, Wales and Northern Ireland: Addendum (2003)
- CD149 Policy Guidance Note 3/16 (04): Secretary of State's Guidance for Mobile Crushing and Screening (DEFRA, 2004)
- CD150 Policy Guidance Note 3/8 (04): Secretary of State's Guidance for Quarry Processes (DEFRA, 2004)

#### Other Guidance

- CD151 Guidance on Tall Buildings (English Heritage/CABE, 2003)
- CD152 Environmental Impact Assessment – A guide to procedures (ODPM, 2000)
- CD154 Preparation of Environmental Statements for Planning Projects that require Environmental Assessment – A good practice guide (DoE, 1995)
- CD156 House of Commons Transport, Local Government and the Regions Committee – Tall Buildings, Sixteenth Report of Session 2001-02
- CD157 Extracts from Image of the City, Kevin Lynch
- CD158 Calculation of Road Traffic Noise (DoT/Welsh Office, 1998)
- CD159 Species Action Plan – Black Redstart (London Biodiversity Action Plan, 2001)
- CD160 Species Action Plan – Grey Heron (London Biodiversity Action Plan, 2001)
- CD161 Habitat Action Plan – Wasteland (London Biodiversity Action Plan, 2001)
- CD162 Habitat Action Plan – Tidal Thames (London Biodiversity Action Plan, 2001)
- CD163 Tidal Thames Encroachment Policy, Environment Agency
- CD164 Design Bulletin 32, Residential Roads and Footpaths (DoE/DoT, 1992)
- CD165 Riverbank design guidance for the Tidal Thames; Partnership in Planning, Environment Agency
- CD166 Extract from Homes for a World City (GLA, 1999)
- CD168 Review of Housing Supply, Kate Barker, 2003
- CD169 Green Spaces, Better Places; final report of the urban Green Spaces Taskforce, 2002
- CD170 2001 Chelsea Harbour planning application
- CD171 Summary statement of law – Port of London Authority – jurisdiction
- CD171A Statement of law governing the control of Chelsea Creek
- CD171B Letter of 26/8/04 from the Port of London Authority to PINS
- CD172 Review of November 2004 Regulation 19 ES compliance in relation to Heads of Terms – see Document A/18

#### Regional Policy and Guidance

- CD174 The London Plan – Spatial Development Strategy for Greater London, 2004
- CD175 The Mayor's Air Quality Strategy
- CD176 The Mayor's Biodiversity Strategy
- CD177 The Mayor's Culture Strategy
- CD178 The Mayor's Economic Development Strategy

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- CD179 The Mayor's Ambient Noise Strategy
- CD180 The Mayor's Transport Strategy
- CD181 The Mayor's Transport Strategy Revision (Western extension of the Congestion Charging Zone)
- CD182 Draft SPG on affordable housing (consultation period expired 8 October 2004)
- CD183 Circular 1/2000, Strategic Planning for London (GOL, June 2000)
- CD184 RPG9: Regional Planning Guidance for the South East (March 2001)
- CD185 Strategic Planning Advice on High Buildings and Strategic Views in London, LPAC, 1999
- CD186 RPG3B/9B: Strategic Planning Guidance for the River Thames (1997)
- CD187 See CD226
- CD188 GLA report PDU/006/04, 20/8/03
- CD189 GLA report PDU/0066/02, 26/2/03
- CD190 Mayor's Consultation Response, 20/8/03
- CD191 Housing for a Compact City (GLA, 2003)
- CD192 Housing Provision, draft SPG to the London Plan (December 2004)
- CD193 Draft London Plan
- CD194 Draft London Plan – EIP Panel Report (July 2003)
- CD195 GLA report PDU/0066/01, 3/5/01
- CD196 Mayor's Consultation Response, 15/5/01
- CD197 Mayor's Consultation Response, 30/8/02
- CD198 GLA report PDU/0066/02, 28/8/02
- CD198A Mayor's letter of 28/2/05 to Addleshaw Goddard

#### **RBKC Policy and Guidance**

- CD199 The Royal Borough of Kensington and Chelsea Unitary Development Plan, adopted May 2002 (RBKC UDP)
- CD200 The RBKC UDP (Proposed Modifications), February 2002
- CD201 Inspector's report on objections to the RBKC UDP
- CD202 Brompton Cemetery Conservation Area Proposals Statement
- CD204 RBKC SPG – 05, Air Quality (2003)
- CD205 Updating and Screening Assessment, Review of Air Quality in RBKC (2003)
- CD206 Lots Road Electricity Generating Station, Planning Brief, RBKC (published February 1999, adopted July 1999)
- CD206A Planning brief associated documentation – committee report of 6/7/99 and minutes
- CD207 Thames Conservation Area Proposals Statement
- CD208 Review and Assessment of Air Quality in RBKC (2000)
- CD209 Draft Air Quality Management Action Plan, public consultation version (July 2002)
- CD210 Review and Assessment of Air Quality in RBKC, Stage 4 (August 2003)
- CD211 Cheyne Conservation Area Proposals Statement
- CD212 Lots Road School planning application and Transport Study (2004)
- CD213 RBKC Housing Strategy 2003-2008
- CD214 Royal Hospital Conservation Area Proposals Statement
- CD215 Advertisement in Kensington and Chelsea News, 2/12/04
- CD216 Streetscape (RBKC guide)
- CD217 RBKC Borough Spending Plan 2005/2006
- CD218 RBKC Interim Local Implementation Plan (2001)
- CD219 RBKC SPG 08, Technical Guidance on Transportation Standards
- CD220 RBKC SPG 10, Permit-Free and Car-Free Plus Permit-Free Residential Development
- CD221 File containing third party and officer representations for appeal application and letter of 2/9/04 from City of Westminster to PINS
- CD221A RBKC report to Cabinet of 27/5/04 re. School CPO authorisation
- CD221B RBKC letter in response to Mayor's consultation on CD192

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### **LBHF Policy and Guidance**

- CD222 London Borough of Hammersmith & Fulham Unitary Development Plan, adopted August 2003 (LBHF UDP)
- CD222A SPG to LBHF UDP, adopted December 1994
- CD223 West London Line Enhancements, formal bid to the shadow Strategic Rail Authority by LBHF and RBKC, 2000
- CD224 LBHF UDP Revised Deposit, June 2000
- CD225 Sands End Conservation Area Character Profile (1999)
- CD226 Thames Strategy – Kew to Chelsea (LBHF, GOL, GLA, Environment Agency, English Heritage, Port of London Authority, LB Richmond upon Thames, Hounslow Council, West London River Group, Atkins) (2002)
- CD227 Air Quality Action Plan (2003)
- CD227A Review of the ES for the Lots Road Power Station and Land at Thames Avenue Development (March 2003)
- CD228 Imperial Wharf information
- CD229 Leader's Committee report of 2/7/02 (extension to Sands End Conservation Area)
- CD230 Housing Needs Survey (1999)
- CD231 Housing Needs Survey Update (2001)
- CD232 Housing Study (2004)
- CD232A Your Borough Your Home, 2003/04 Housing Strategy Statement
- CD233 London Travel Report 2004
- CD234 London Buses Quality of Service Indicators, Hammersmith & Fulham, Third Quarter 2002/03
- CD234A London Buses Quality of Service Indicators, Hammersmith & Fulham, Fourth Quarter 2003/04
- CD235 Assessment of ES Sunlight and Daylight Report, February 2003, BRE, commissioned by LBHF
- CD235A Assessment of sunlight/daylight reports, April 2003, Shatunowski Brooks, commissioned by LBHF

### **Miscellaneous**

- CD236 London Bus Initiative, Framework Document, Transport for London (TfL) (2000)
- CD237 Public transport in London: Market report 2000, TfL
- CD238 River Thames Boat Service Guide, Spring/Summer 2004
- CD240 Source Apportionment of Airborne Particulate Matter in the United Kingdom, 1999
- CD241 London Borough of Wandsworth Unitary Development Plan, adopted August 2003
- CD241A LB Wandsworth report 03-262, 13/3/03
- CD243 Guidelines for Improving Digital Television and Radio Reception (2004)
- CD244 The Impact of Large Buildings and Structures (including Wind Farms) on Terrestrial Television Reception (BBC/Ofcom, 2004)
- CD245 Site layout planning for daylight and sunlight – a guide to good practice (BRE, 2002)
- CD246 BS 6472: 1992, Guide to evaluation of exposure to vibration in buildings
- CD247 BS 7385: Part 2: 1993, evaluation and measurement for vibration in buildings
- CD248 BS 4142: 1997, Rating industrial noise affecting mixed residential and industrial areas
- CD249 BS 5228: Part 1: 1997, Noise and vibration control on construction and open sites
- CD250 BS 8233: 1999, Sound insulation and noise reduction for buildings – code of practice
- CD251 BS 5228: Part 2: 1997, Noise and vibration control on construction and open sites
- CD252 Design Review (CABE, 2002)
- CD254 Management of archaeological projects (English Heritage, 1991)
- CD256 Streets for All (English Heritage, 2000)
- CD257 Extract from Enhancing the Environment (Environment Agency)
- CD258 Design for Biodiversity, a guidance document for development in London (London Development Agency)

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CD260	Building in context (English Heritage/CABE, 2001)
CD261	London Basin Natural Area Profile, with Addendum (English Nature, 1998)
CD263	Air Quality Assessments for Planning Applications – Technical Guidance Note (ALG Transport and Environment Committee, 2001)
CD264	TRANSYT 11 User Guide (Transport Research Laboratory, 1999)
CD265	Methodology for the Derivation of Remedial Targets for Soil and Groundwater to Protect Water Resources (Environment Agency, 1999)
CD267	LBHF Updating and Screening Assessment, 2004
CD268	Guidelines for Ecological Impact Assessment (Amended Pilot, November 2002)
CD270	Transport in the Urban Environment (Institution of Highways & Transportation, 1997)
CD271	LBHF Review and Assessment of Air Quality, Stage 3,
CD272	LBHF Air Quality Report, Stage 4
CD274	Lots Road Power Station Development Site B, geoarchaeological borehole assessment
CD277	Chelsea Creek Ecology Park, Initial Feasibility Study (1995)
CD278	Appeal Decisions – London Bridge Tower and Heron Tower
CD279	Appeal Decision – Montevetro
CD280	London Cycle Network, Design Manual (LB Kingston upon Thames, 1998)
CD282	A Management Plan for Chelsea Creek Nature Area (for RBKC, 1992)
CD283	The Chelsea Creek Project (Assael Architecture Ltd, 2000)
CD284	Thames Strategy (for GOL, 1995)
CD285	Sustainability Checklist (SEEDA, 2003)
CD286	Potential Contaminants for the Assessment of Land (DEFRA and the Environment Agency, 2002)
CD287	The Contaminated Land Exposure Assessment Model (CLEA): Technical basis and algorithms (DEFRA and the Environment Agency, 2002)
CD288	Model Procedures for the Management of Land Contamination (DEFRA and the Environment Agency, 2004)
CD289	Tree Survey – Lots Road (2004)
CD290	Manifesto for Better Public Spaces (CABE Space, 2004)
CD291	Measuring Public Transport Accessibility Levels (TfL 2003)
CD293	Controlling Particles, Vapour and Noise from Pollution and Construction Sites (BRE, 2003)
CD294	London's Skylines, Views and High Buildings (for the GLA, 2002)
CD294A	The Value of Public Space (CABE Space, 2004)
CD294D	The Thames Path National Trail – Development Plan Policies: a Good Practice Guide (Countryside Commission, 1998)
CD294E	Rating Prediction Checklist (BRE, 2003)
CD294G	The Green Guide to Housing Specification (BRE, 2000)

#### DOCUMENTS submitted by CIRCADIAN LIMITED

A/TF/P	Sir Terry Farrell's proof of evidence
A/TF/P/2	Volume of PowerPoint images presented in chief by Sir Terry Farrell
A/TF/A/1	A3 volume of appendices to Sir Terry Farrell's proof of evidence – plans, diagrams, photographs, illustrations
A/TF/A/2	A4 volume of appendices to Sir Terry Farrell's proof of evidence – personal details
A/TF/S	Summary of Sir Terry Farrell's proof of evidence
A/RT/P	Prof Robert Tavernor's proof of evidence
A/RT/P2	Prof Robert Tavernor's rebuttal proof of evidence
A/RT/A	Appendices to Prof Robert Tavernor's proof of evidence
A/RT/S	Summary of Prof Robert Tavernor's proof of evidence
A/GI/P	Gordon Ingram's proof of evidence
A/GI/A1	Appendix 1 to Gordon Ingram's proof of evidence
A/GI/A2	Appendix 2 to Gordon Ingram's proof of evidence

A/GI/S	Summary of Gordon Ingram's proof of evidence
A/GI/CD	CD containing overshadowing videos
A/NT/P	Neil Tully's proof of evidence
A/NT/P/2	Volume of PowerPoint images presented in chief by Neil Tully
A/NT/A1	Appendix RSA1 to Neil Tully's proof of evidence – plans
A/NT/A2	Appendix RSA2 to Neil Tully's proof of evidence – sections
A/NT/A3	Appendix RSA3 to Neil Tully's proof of evidence – illustrations
A/NT/A4	Appendix RSA4 to Neil Tully's proof of evidence – photographs
A/NT/A5	Appendix RSA5 to Neil Tully's proof of evidence – tree survey and comments
A/NT/A6	Appendix RSA6 to Neil Tully's proof of evidence – draft management report
A/NT/S	Summary of Neil Tully's proof of evidence
A/HW/P	Hedley Walker's proof of evidence
A/HW/A	Appendices to Hedley Walker's proof of evidence
A/HW/S	Summary of Hedley Walker's proof of evidence
A/LJ/P	Leslie Jephson's proof of evidence
A/LJ/A	Appendices to Leslie Jephson's proof of evidence
A/LJ/S	Summary of Leslie Jephson's proof of evidence
A/SW/S	Summary of Sarah Wilkinson's proof of evidence; bound in with it are –
	A/SW/P, the proof of evidence, and
	A/SW/A, Appendix A
A/DW/P	Derek Wilson's proof of evidence
A/DW/A	Appendices to Derek Wilson's proof of evidence
A/DW/S	Summary of Derek Wilson's proof of evidence
A/JM/P	John Marsh's proof of evidence
A/JM/A	Appendices to John Marsh's proof of evidence
A/JM/S	Summary of John Marsh's proof of evidence
A/JA/P	Julian Arthur's proof of evidence
A/JA/A	Appendices to Julian Arthur's proof of evidence
A/JA/S	Summary of Julian Arthur's proof of evidence
A/AS/P	Alan Simmonds' proof of evidence
A/AS/A	Appendices 1-10 to Alan Simmonds' proof of evidence
A/AS/A/11	Appendix 11 to Alan Simmonds' proof of evidence
A/AS/Ad	Addendum to Alan Simmonds' proof of evidence and appendices
A/AS/S	Summary of Alan Simmonds' proof of evidence
A/1	Opening submissions
A/2	Amended page 114 of A/TF/P/2
A/3	Methodology Statement by Hayes Davidson
A/4	Hayes Davidson note on View CP7
A/5	Note of 10/2/05 confirming that A/SW/P was based on worst case traffic flows
A/6	Letter of 2/2/05 confirming that the proposed affordable housing meets Housing Corporation standards
A/7	Tadema Road classified traffic count survey, 1/12/04
A/8	RBKC Parking – comparison of 1991 and 2001 census data, 9/2/05
A/9	Briefing note on flood storage capacity
A/10	Management Deed for Lots Road Power Station, dated 10/2/05
A/11	CD – Lots Road Quicktimes, 27/1/05
A/12	Closing submissions
A/13	Inspector's report on appeal ref. A/03/1129667 (the Vauxhall Tower) and the First Secretary of State's letter of 31/3/05 (minded to grant planning permission)~
A/14	Amended plans LRTW-4/PA/04-005-F and LRTW-4/PA/04-006-F
A/15	Schedules of drawings on which planning permission, if should be granted, should be based (both as a hard copy and on CD)
A/16	Copies of three executed section 106 obligations (see CD10 for final drafts)
A/17	Addleshaw Goddard letter of 2/2/05 to RBKC
A/18	Addleshaw Goddard letter of 13/4/05 to PINS, with accompanying schedule.(CD172).

**DOCUMENTS submitted by the GREATER LONDON AUTHORITY**

GLA/1/1	Summary of Colin Wilson's proof of evidence
GLA/1/2	Colin Wilson's proof of evidence
GLA/1/3	Appendices to Colin Wilson's proof of evidence, including ...
GLA/1/3A	Extract from EiP report on draft London Plan
GLA/1/4	Rebuttal note by Colin Wilson
GLA/1/5	Errata sheet to Colin Wilson's proof of evidence
GLA/2/1	Summary of William Steadman's proof of evidence
GLA/2/2	William Steadman's proof of evidence, with appendices
GLA/2/3	Rebuttal evidence by William Steadman
GLA/3/1	Summary of Nick Bond's proof of evidence
GLA/3/2	Nick Bond's proof of evidence, with appendices
GLA/3/4	Rebuttal proof of evidence by Nick Bond
GLA/4	Technical Note on local bus services, Imperial Wharf bus service improvements, Crossrail and Congestion Charge Zone extension
GLA/5	Map showing bus routes (existing and proposed) passing in the vicinity of the site
GLA/6	Map showing Congestion Charge Zone extension proposals
GLA/7	Planning report PDU/0066/04, 6/1/05
GLA/8	Note setting out key TfL obligations in the section 106 agreements, 21/2/05
GLA/9	Opening submissions
GLA/10	Closing submissions

**DOCUMENTS submitted by the LONDON BOROUGH OF HAMMERSMITH & FULHAM**

HF1	Matt Butler's proof of evidence
HF2	Opening submissions
HF3	Erratum sheet to
HF4	Summary of Matt Butler's proof of evidence
HF5	Note on Open Space and Park at Imperial Wharf
HF6	Closing submissions

**DOCUMENTS submitted by the ROYAL BOROUGH OF KENSINGTON AND CHELSEA**

KC/1	Denis McCoy's proof of evidence, with appendices KC1 and KC2
KC/2	Opening submissions
KC/3	Closing submissions
KC/4	Letter of 25 April 2005 to PINS

**DOCUMENTS submitted jointly by the CHELSEA HARBOUR RESIDENTS' ASSOCIATION, the LOTS ROAD ACTION GROUP and the HAMMERSMITH AND FULHAM HISTORIC BUILDINGS GROUP**

CH1	Greg Lee's proof of evidence, including appendices
CH2	Summary of Greg Lee's proof of evidence
CH3	Errata sheet to Greg Lee's proof of evidence
CH4	Adrian Cole's proof of evidence, with appendices
CH5	Summary of Adrian Cole's proof of evidence
CH6	Technical Note on existing public transport loadings, 1/2/05
CH7	John Pringle's proof of evidence 2
CH8	Summary of John Pringle's proof of evidence 2
HBG1	Angela Dixon's proof of evidence

HBG2	Appendix to Angela Dixon's proof of evidence (bound in with HBG1)
HBG3	Summary of Angela Dixon's proof of evidence
HBG4	Appendix to Angela Dixon's proof of evidence
HBG5	Autumn 2004 Newsletter
HBG6	Publicity/recruitment leaflet
CH9	Opening submissions
CH10	Closing submissions

**DOCUMENTS submitted separately by the LOTS ROAD ACTION GROUP**

LR1	John Pringle's proof of evidence 1
LR2	Summary of John Pringle's proof of evidence 1
LR3	Bundle of e-mails from Melyssa Stokes, Chair of the Group, relating to open space, site visits and conditions

**DOCUMENTS submitted by the CHELSEA SOCIETY**

CS1	David Le Lay's proof of evidence
CS2	Appendices to David Le Lay's proof of evidence
CS3	Terence Bendixson's proof of evidence
CS4	Summary of David Le Lay's proof of evidence
CS5	Errata sheet to Terence Bendixson's proof of evidence
CS6	Summary of Terence Bendixson's proof of evidence
CS7	Appeal decision A/03/1135903 – Alpha Place, SW3 5SZ
CS8	Closing submissions
CS9	Consultation and response on draft RBKC Planning Brief (CD206 as approved)
CS10	E-mail correspondence regarding conditions
CS11	Letter of 10/2/05 suggesting site visit to Duke of York's Square, with reasons

**DOCUMENTS submitted by the WEST LONDON RIVER GROUP**

RG1	Summary of Peter Makower's proof of evidence
RG1A	West London River Group Mission Statement (bound with RG1)
RG1B	Pter Makower's personal details (bound with RG1)
RG1C	Appendix E – the River as Context
RG2	Peter Makower's proof of evidence (bound with RG1)
RG3	Appendix A – apparent ambiguities/discrepancies/errors/omissions in the application/ appeal drawings (bound with RG1)
RG4	Appendix B – River and River-related issues (bound with RG1)
RG5	Appendix C – Encroachment on creek flood capacity (bound with RG1)
RG6	Appendix D – Proposed footbridges
RG7	Roger Weston's proof of evidence
RG8	The Chelsea Creek Project, Assael Architecture Limited, Third edition, January 2003
RG1E	Note drawing attention to possible discrepancy between CD2/25 and CD2/65
RG5/2-9	Overlays and calculations to supplement RG5
RG6/3	Note on air draft below proposed bridges
RG6/4	Annotated photograph and notes to supplement RG6
RG6/5	Annotated elevation to supplement RG6
RG9	E-mail relating to Port of London Authority jurisdiction
RG10	Plan of the River Thames from Putney Bridge to Chelsea Bridge, provided for identification purposes on the site visit on the river

**DOCUMENTS submitted by OTHER GROUPS AND INDIVIDUALS appearing at the inquiry**

- O/1 Proof of evidence of Richard Sharp FRICS on behalf of the Cheyne Walk Trust
- O/2 Summary by Richard Sharp on behalf of the Cheyne Walk Trust
- O/3 Precis by Richard Sharp on behalf of the Cheyne Walk Trust, submitted for the close of the inquiry by letter dated 20/4/05
- O/4 Proof of evidence of James Wilson
- O/4/1 Extract from GLA report on Safeguarded Wharves on the Thames
- O/5 Letter of 20/1/05 from James Wilson
- O/6 Proof of evidence of Cllr Brendan Bird
- O/7 Proof of evidence of Cllr Jennifer Kingsley
- O/8 Letter (proof of evidence) of 17/1/05 from the Fulham Society
- O/9 Proof of evidence of John Putnam on behalf of the Fulham Society
- O/10 Proof of evidence of Cllr Greg Hands, under cover of e-mail of 10/1/05
- O/11 Proof of evidence and supplementary proof of evidence of Cllr Frances Stainton, with cutting from Daily Telegraph, 7/2/05
- O/12 Proof of evidence of Christy Austin
- O/13 Letter of 24/2/05 from Christy Austin with cutting from The Times, 22/2/05
- O/14 Letter of 25/4/05 from Christy Austin
- O/15 Proof of evidence of Harvey Heath on behalf of the Battersea Society
- O/16 Note of 20/2/05 from Harvey Heath
- O/17 Letter (proof of evidence) of 11/1/05 from Ray Moxley, with personal details attached
- O/18 Proof of evidence of Peter Eversden on behalf of the London Forum of Amenity and Civic Societies, with extract from *The Planning System: General Principles* (CD121)
- O/19 Proof of evidence of James Wooster
- O/20 Proof of evidence of Annie Edwards on behalf of the Campaign for Fair Play
- O/21 E-mail of 14/2/05 from Paloma Barcella and statement by her addressed at the inquiry by John Rawnsley
- O/22 Submissions of the River Thames Society, made by Alex Goodman
- O/23 Proof of evidence of Lady Berkeley for the the River Thames Society
- O/24 Proof of evidence of Arthur Tait on behalf of the friends of Brompton Cemetery
- O/25 Proof of evidence of Cllr Keith Cunningham
- O/26 Proof of evidence of Kate Phillips on behalf of the Ashburnham Parent and Toddler Group
- O/27 E-mail of 21/2/05 from Kate Phillips with attached text of Evening Standard article on Battersea Power Station

**GENERAL INQUIRY DOCUMENTS**

- G/1 Lists of persons present at the inquiry.
- G/2 Notification of inquiry by RBKC
- G/3 Notification of inquiry by LBHF
- G/4 Folder of written representations in date order (CD8 was updated during the inquiry but may not be complete)
- G/4(1) Letter of objection of 12/1/05 from the City of Westminster
- G/5 Letter of 18/1/05 from the Metropolitan Police withdrawing its original objection
- G/6 Letter of 21/1/05 from the Environment Agency withdrawing its original objection, with Position Statement attached
- G/7 Letters of support from English Heritage (26/1/05) and CABE (28/1/05)
- G/8 Final list of Core Documents

## ANNEX C – CONDITIONS

*These recommended conditions take into account all that was said at the inquiry or in writing. I have combined some conditions and modified the wording of others, in the interests of clarity or in line with the guidance in Circular 11/95. The tabulated LBHF and RBKC conditions in Documents CD15(1), CD15(2) and CD15(3) include reasons. Where I have included conditions, however modified, dealing with any of those matters, I agree with those reasons. Where I have excluded a suggested condition, I agree with the comments, either hand-written or typed in the right-hand column.*

### APPEAL REF. APP/K5600/A/04/1146268 – RBKC

- 1) The development hereby permitted shall begin before the expiration of five years from the date of this decision.
- 2) The development hereby permitted shall be implemented in accordance with the drawings listed in Inquiry Document A/15.
- 3) Notwithstanding the details shown on the approved drawings, the construction of any new building shall not begin until the following in respect of that building have been submitted to and approved in writing by the local planning authority:
  - (i) details and samples of all materials to be used in the construction of the external surfaces;
  - (ii) samples of the glass to be used in the façades;
  - (iii) details of any blinds, including their colour, within the glazing cavities of the façades of Building KC1;
  - (iv) details of materials for paved areas immediately associated with the building;
  - (v) details of any external lighting and security surveillance equipment to be fixed to the building.Development shall be carried out in accordance with the approved details.
- 4) Notwithstanding the details shown on the approved drawings, works for the conversion of the power station building shall not begin until the following in respect of that building have been submitted to and approved in writing by the local planning authority:
  - (i) details and samples of all new materials to be used in the external surfaces;
  - (ii) details of the window designs in new or existing openings and samples of the glass to be used;
  - (iii) details of new doors and door openings, including sill levels, and including the loading bay door;
  - (iv) full details of the internal street, including paving materials, ground wall and shopfront materials, wall materials and windows on all upper floors, new and retained structural elements and roof glazing;Development shall be carried out in accordance with the approved details.
- 5) Construction works on any building shall not begin until a scheme to protect occupants of the dwellings within that building has been submitted to and approved in writing by the local planning authority. The scheme shall achieve internal noise levels no higher than 35 dB  $L_{Aeq, 16 \text{ hour}}$  between 0700 and 2300 hours and 30dB  $L_{Aeq, 8 \text{ hour}}$  between 2300 and 0700 hours. Works forming part of the approved scheme shall be completed before occupation of any of the dwellings.
- 6) Notwithstanding the details shown on the approved drawings, development shall not begin until full details of the proposed vehicular access to the site have been submitted to and approved in writing by the local planning authority. The approved works shall be carried out before occupation of any part of the development.
- 7) No development shall take place until full details of both soft and hard landscape works have been submitted to and approved in writing by the local planning authority. Details shall include proposed finished levels, planting plans (including specifications and plant schedules), means of enclosure, hard surfacing materials, means of access throughout the site for disabled people, street furniture and any play equipment. All landscape works shall be carried out in accordance with the approved details prior to the occupation of any building or in accordance with a programme first agreed in writing by the local planning authority.

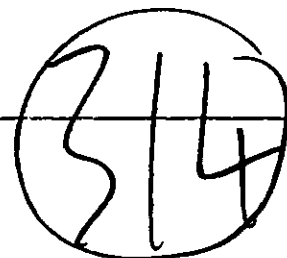


- 8) A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas shall be submitted to and approved in writing by the local planning authority prior to the occupation of any building in the development. The landscape management plan shall be carried out as approved.
- 9) Notwithstanding the details shown on the approved drawings, development shall not begin until full details of what should eventually become the proposed riverside walk, which shall be not less than 6.0m wide, have been submitted to and approved in writing by the local planning authority. An access strip not less than 5.0m wide along the River Thames frontage shall be left free of permanent development, including ventilation grilles, lighting columns, planting and changes in level, unless otherwise agreed in writing by the local planning authority.
- 10) The walkway adjacent to the River Thames, including the bridge nearest to the mouth of Chelsea Creek, shall be accessible by members of the public on foot, by wheelchair and by bicycle for 24 hours in each day for 364 days in each year. Pedestrian, wheelchair and, if appropriate, bicycle access to all other publicly accessible areas shall be available, at minimum, between the hours of 0800 and 1600 from 1 November to 31 March and 0800 and 2200 between 1 April and 31 October.
- 11) The development hereby permitted shall cause no net loss of tidal storage volume below a flood defence level of 5.41m ODN, calculated in accordance with methodology and a degree of siltation of Chelsea Creek both agreed with the local planning authority.
- 12) Development shall not begin until a scheme for the treatment of Chelsea Creek has been submitted to and approved in writing by the local planning authority. The scheme shall include details of the construction and subsequent maintenance of the inter-tidal terraces, of the marginal and aquatic species to be planted and of the location and design of mooring posts, boat-landing and access facilities and health and safety measures to be provided. Development shall be carried out in accordance with both the approved details and a programme of implementation first agreed in writing with the local planning authority.
- 13) There shall be no storage of materials within 8.0m of the River Thames and 4.0m of Chelsea Creek except when development works hereby permitted within those areas are being carried out.
- 14) Notwithstanding the details shown on the approved drawings, no works for the construction of any of the three bridges shall begin until full details of the design of that bridge, including a soffit level not lower than the existing footbridge, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 15) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any order revoking and re-enacting that Order with or without modification), the Class B1 units identified on the approved drawings shall be used only for purposes falling within Use Classes B1(b) and B1(c) and for no other purpose unless otherwise agreed in writing by the local planning authority.
- 16) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any order revoking and re-enacting that Order with or without modification), the ground floor unit in Building KC2A shown as a nursery shall be used solely as a Use Class D1(b) crèche or day nursery unless otherwise agreed in writing by the local planning authority.
- 17) Ground floor unit KC3.0-16 on drawing LRTW4/PTAL/05-004-G shall be used solely as a retail convenience foodstore within Use Class A1 of the Town and Country Planning (Use Classes) Order 1987 unless otherwise agreed in writing by the local planning authority.
- 18) Ground floor units KC3.0-3, KC3.0-4, KC3.0-5 and KC3.0-6 on drawing LRTW4/PTAL/05-004-G shall be used solely as retail shops within Use Class A1 of the Town and Country Planning (Use Classes) Order 1987 unless otherwise agreed in writing by the local planning authority.
- 19) Ground floor unit KC3.0-8 on drawing LRTW4/PTAL/05-004-G shall be used solely as a transport management office and reception point/waiting area for group transport pick-up unless the local planning authority has agreed in writing to the use of an alternative equivalent ground floor area for that purpose.

- 20) The gymnasium on the ground floor of Building KC1 shall be available for use solely by residents of the development hereby permitted unless otherwise agreed in writing by the local planning authority.
- 21) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no external aerials, antennae, satellite dishes or related telecommunications equipment shall be erected on any part of the development hereby permitted unless the local planning authority has first given its written consent.
- 22) Notwithstanding the details shown on the approved drawings, details of the areas for and design of cycle parking provision for each building shall be submitted to and approved in writing by the local planning authority. Provision in respect of each building shall be completed in accordance with the approved details before the occupation of that building.
- 23) The vehicular parking accommodation shown on the approved drawings shall be provided in respect of each building before the occupation of that building and shall thereafter be retained permanently for that purpose for the benefit of occupiers and users of the dwellings.
- 24) No more than four of the off-street parking spaces within the development shall be used by occupiers of the Class B1 units and no more than 36 (not including any allocated for a car club) for public car parking.
- 25) No development shall take place until the applicant, or its agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.
- 26) Construction of any building shall not begin until details of the arrangements for the storage of refuse or waste for that building, including the storage of recyclable materials, has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details before occupation of that building.
- 27) Development shall not begin until a scheme for the investigation and recording of contamination on the site has been agreed with the local planning authority and a report detailing such contamination as has been found, proposals for its removal, containment or otherwise being rendered harmless and measures to verify the adequacy of decontamination work has been submitted to and approved in writing by the local planning authority. The approved works of decontamination and verification shall be carried out before development begins or in accordance with a programme first agreed in writing by the local planning authority. If any contamination not previously identified is encountered during development, whether from a different source or of a different type to that addressed in the approved details or in an area expected to have been uncontaminated, then a revised scheme to deal with that contamination, including a programme of work, shall be submitted to and approved in writing by the local planning authority and carried out in accordance with that approval.
- 28) No dismantling, demolition, excavation or construction work shall take place outside the hours of 0800-1800 on Mondays to Fridays, 0800-1300 on Saturdays or at any time on Sundays or bank or public holidays, unless the local planning authority has given its prior written consent.
- 29) Development shall not begin until a scheme for the inclusion of renewable energy technologies has been submitted to and approved in writing by the local planning authority. The aim of the scheme shall be to achieve a 'good' rating for Building Research Establishment EcoHomes assessment purposes and shall address the use of renewable energy sources, thermal insulation, natural ventilation, double glazing and the use of energy efficient devices. Development shall be carried out in accordance with the approved scheme.
- 30) Noise emitted from building services plant, including any mechanical ventilation plant, shall not increase existing background noise levels, subject to a minimum level of 35 dB L<sub>Aeq</sub>. Noise levels shall be measured in accordance with BS 4142:1997 at a position 1.0m from the façade of the nearest noise-sensitive premises.

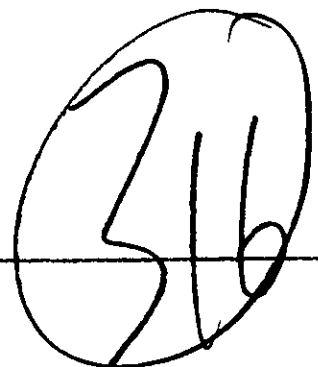
**APPEAL REF. APP/H5390/V/04/1148781 – LBHF**

- 1) The development hereby permitted shall begin before the expiration of five years from the date of this decision.
- 2) The development hereby permitted shall be implemented in accordance with the drawings listed in Inquiry Document A/15.
- 3) Notwithstanding the details shown on the approved drawings, the construction of any individual building shall not begin until the following in respect of that building have been submitted to and approved in writing by the local planning authority:
  - (i) details and samples of all materials to be used in the construction of the external surfaces;
  - (ii) samples of the glass to be used in the façades;
  - (iii) details of any blinds, including their colour, within the glazing cavities of the façades of Building HF1;
  - (iv) details of materials for paved areas immediately associated with the building;
  - (v) details of any external lighting and security surveillance equipment to be fixed to the building.Development shall be carried out in accordance with the approved details.
- 4) Construction works on any building shall not begin until a scheme to protect occupants of the dwellings within that building has been submitted to and approved in writing by the local planning authority. The scheme shall achieve internal noise levels no higher than 35 dB  $L_{Aeq, 16 \text{ hour}}$  between 0700 and 2300 hours and 30dB  $L_{Aeq, 8 \text{ hour}}$  between 2300 and 0700 hours. Works forming part of the approved scheme shall be completed before occupation of any of the dwellings.
- 5) Notwithstanding the details shown on the approved drawings, development shall not begin until full details of the proposed vehicular access to the site have been submitted to and approved in writing by the local planning authority. The approved works shall be carried out before occupation of any part of the development.
- 6) No development shall take place until full details of both soft and hard landscape works have been submitted to and approved in writing by the local planning authority. Details shall include proposed finished levels, planting plans (including specifications and plant schedules), means of enclosure, hard surfacing materials, means of access throughout the site for disabled people, street furniture, play equipment and also 'green' and 'brown' roofs, high roosts and nesting boxes. All landscape works shall be carried out in accordance with the approved details prior to the occupation of any building or in accordance with a programme first agreed in writing by the local planning authority.
- 7) A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than privately-owned domestic gardens, shall be submitted to and approved in writing by the local planning authority prior to the occupation of any building in the development. The landscape management plan shall be carried out as approved.
- 8) Notwithstanding the details shown on the approved drawings, development shall not begin until full details of the proposed riverside walk, which shall be not less than 6.0m wide, have been submitted to and approved in writing by the local planning authority. An access strip not less than 5.0m wide along the River Thames frontage shall be left free of permanent development, including ventilation grilles, lighting columns, planting and changes in level, unless otherwise agreed in writing by the local planning authority.
- 9) Development shall not begin until a scheme for access to the river wall on the landward side of Chelsea Creek adjacent to Building HF3A has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 10) The development hereby permitted shall cause no net loss of tidal storage volume below a flood defence level of 5.41m ODN, calculated in accordance with methodology and a degree of siltation of Chelsea Creek both agreed with the local planning authority.



- 11) Development shall not begin until a scheme for the treatment of Chelsea Creek has been submitted to and approved in writing by the local planning authority. The scheme shall include details of the construction and subsequent maintenance of the inter-tidal terraces, of the marginal and aquatic species to be planted and of the location and design of mooring posts, boat-landing and access facilities and health and safety measures to be provided. Development shall be carried out in accordance with both the approved details and a programme of implementation first agreed in writing with the local planning authority.
- 12) There shall be no storage of materials within 8.0m of the River Thames and 4.0m of Chelsea Creek except when development works hereby permitted within those areas are being carried out.
- 13) Notwithstanding the details shown on the approved drawings, no works for the construction of any of the three bridges shall begin until full details of the design of that bridge, including a soffit level not lower than the existing footbridge, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 14) The gymnasium on the ground floor of Building KC1 shall be available for use solely by residents of the development hereby permitted unless otherwise agreed in writing by the local planning authority.
- 15) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no external aerials, antennae, satellite dishes or related telecommunications equipment shall be erected on any part of the development hereby permitted unless the local planning authority has first given its written consent.
- 16) Notwithstanding the details shown on the approved drawings, details of the areas for and design of cycle parking provision for each building shall be submitted to and approved in writing by the local planning authority. Provision in respect of each building shall be completed in accordance with the approved details before the occupation of that building.
- 17) The vehicular parking accommodation shown on the approved drawings shall be provided in respect of each building before the occupation of that building and shall thereafter be retained permanently for that purpose for the benefit of occupiers and users of the dwellings.
- 18) No development shall take place until the applicant, or its agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.
- 19) Construction of any building shall not begin until details of the arrangements for the storage of refuse or waste for that building, including the storage of recyclable materials, has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details before occupation of that building.
- 20) Development shall not begin until a scheme for the investigation and recording of contamination on the site has been agreed with the local planning authority and a report detailing such contamination as has been found, proposals for its removal, containment or otherwise being rendered harmless and measures to verify the adequacy of decontamination work has been submitted to and approved in writing by the local planning authority. The approved works of decontamination and verification shall be carried out before development begins or in accordance with a programme first agreed in writing by the local planning authority. If any contamination not previously identified is encountered during development, whether from a different source or of a different type to that addressed in the approved details or in an area expected to have been uncontaminated, then a revised scheme to deal with that contamination, including a programme of work, shall be submitted to and approved in writing by the local planning authority and carried out in accordance with that approval.
- 21) Development shall not begin until a scheme for the clearance of vegetation from the site, taking into account the findings of a survey to identify nesting birds, has been submitted to and approved in writing by the local planning authority. Clearance shall be carried out in accordance with the approved scheme.

- 22) No dismantling, demolition, excavation or construction work shall take place outside the hours of 0800-1800 on Mondays to Fridays, 0800-1300 on Saturdays or at any time on Sundays or bank or public holidays, unless the local planning authority has given its prior written consent.
- 23) Development shall not begin until a scheme for the inclusion of renewable energy technologies has been submitted to and approved in writing by the local planning authority. The aim of the scheme shall be to achieve a 'good' rating for Building Research Establishment EcoHomes assessment purposes and shall address the use of renewable energy sources, thermal insulation, natural ventilation, double glazing and the use of energy efficient devices. Development shall be carried out in accordance with the approved scheme.
- 24) Noise emitted from building services plant, including any mechanical ventilation plant, shall not increase existing background noise levels, subject to a minimum level of 35 dB  $L_{Aeq}$ . Noise levels shall be measured in accordance with BS 4142:1997 at a position 1.0m from the façade of the nearest noise-sensitive premises.

A large, handwritten signature or set of initials, possibly 'SIB', enclosed within a hand-drawn oval. The signature is written in dark ink and is positioned in the bottom right corner of the page, overlapping the horizontal line above the page number.