File PP 02/1324

TO: SEE DISTRIBUTION LIST **FROM: EXECUTIVE DIRECTOR OF PLANNING & CONSERVATION**

MY REF(S): RAG/PP/**02/01324** YOUR REF:SEE DISTRIBUTION LIST
ODPM's Reference: App/K5600/ A/04/1146268 & V/04/1148781
ROOM NO: 324 EXTN: 2081

DATE: 31/01/2006

TOWN AND COUNTRY PLANNING ACT, 1990

APPEAL ..... Lots Road Power Station and Chelsea Creek, London, SW10

I attach for your information a copy of the decision for the appeal on the above-mentioned premises.

EXECUTIVE DIRECTOR OF PLANNING AND CONSERVATION

DISTRIBUTION LIST:

COUNCILLOR TIM AHERN, CHAIRMAN, PLANNING SERVICES COMMITTEE
COUNCILLOR L. A. HOLT, VICE CHAIRMAN, PLANNING SERVICES COMMITTEE
COUNCILLOR DANIEL MOYLAN, DEPUTY LEADER AND CABINET MEMBER FOR PLANNING POLICY, HOUSING POLICY AND TRANSPORTATION
COUNCILLOR IAN DONALDSON
COUNCILLOR RIMA HORTON
COUNCILLOR BARRY PHELPS

TOWN CLERK & CHIEF EXECUTIVE ..... A.KHAN	RM: 253
DIRECTOR OF LAW AND ADMINISTRATION...H. TITCOMBE	RM: 230/2
LAW & ADMINISTRATION (ENFORCEMENT).. T.ALI	RM: 230/2
LAND CHARGES..... M. IRELAND	RM: 306
COUNCIL TAX ACCOUNTS MANAGER..... T. RAWLINSON	RM: G29
TRANSPORTATION.....M. CHETWYND	RM: 317

EXECUTIVE DIRECTOR OF PLANNING & CONSERVATION
HEAD OF DEVELOPMENT CONTROL
APPEALS OFFICER
NORTH
CENTRAL
SOUTH-EAST
SOUTH-WEST
INFORMATION OFFICE
DESIGN. ..... D. McDONALD
STATUTORY REGISTER
FILE(S)
TECHNICAL SUPPORT.....C. STAPLETON

RECEIVED
7 JAN 2006
LAW & ADMINISTRATION

Office of the
Deputy Prime Minister
Creating sustainable communities

Elizabeth Sealey
Decision Officer
Planning Central Casework Division
Zone 3/J1
Eland House
Bressenden Place
London SW1E 5DU

Direct line: 020 7944 8714
Enquiries: 020 7944 2421
Fax: 020 7944 5929
Elizabeth.Sealey@odpm.gov.uk

Mr D. Evans
Addleshaw Goddard
Alder Castle
10 Noble Street
London
EC2V 7JW

Our ref: APP/K5600/A/04/1146268 and APP/H5390/V/04/1148781
Your ref:

30 January 2006

Dear Sir,

TOWN AND COUNTRY PLANNING ACT 1990 – SECTIONS 77 AND 78

APPLICATION BY CIRCADIAN LTD TO THE LONDON BOROUGH OF HAMMERSMITH AND FULHAM
APPEAL BY CIRCADIAN LTD AGAINST THE DECISION OF THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA

PLANNING APPLICATIONS: 2002/03132/FUL and PP/02/01324

1. I am directed by the First Secretary of State to say that consideration has been given to the report of the Inspector, John L Gray DipArch MSc Registered Architect who held a public inquiry on 1-4, 8-11, 15-18 and 22-25 February and 25-26 April 2005 into your client's application for planning permission for the demolition of buildings ancillary to the former Lots Road Power Station; the provision of 382 residential units by means of the erection of a residential tower with a ground floor gymnasium plus six other buildings; car parking spaces, cycle parking, children's playspace, servicing, landscaping and associated works to Chelsea Creek and Chelsea Basin, including the construction of three pedestrian bridges across the creek (2002/03132/FUL), and your client's appeal against the decision of the Council of the Royal Borough of Kensington and Chelsea (RBKC) to refuse planning permission for the demolition of parts of the former Lots Road Power Station; the provision of 420 residential units by means of conversion of the former power station building to include residential units, retail, business and community, a doctor's surgery and restaurants, the erection of a residential tower with a ground floor gymnasium and the erection of two other residential buildings (one to incorporate a nursery and business uses); car parking spaces, cycle parking, servicing, landscaping and works to Chelsea Creek and Chelsea Basin, including the construction of three pedestrian bridges across the creek (PP/02/01324).

2. On 19 April 2004, the Secretary of State directed, in pursuance of section 77 of the Town and Country Planning Act 1990, that application 2002/03132/FUL be referred to him instead of being dealt with by the local planning authority, the London Borough of Hammersmith and Fulham (LBHF).

Procedural matters

3. The Secretary of State agrees with the Inspector at IR 1.4 that the matters on which the Secretary of State wished to be informed for the purpose of his consideration of the LBHF application (as set out at IR 1.3) apply equally to the RBKC appeal, subject to the amendments at IR 1.4.

4. The Secretary of State referred back to parties on 24 October 2005 and 23 November 2005 on post-Inquiry correspondence, in the interests of natural justice. A schedule of correspondence received is at Annex B. The Secretary of State has taken this correspondence into account in reaching his decision.

5. The Secretary of State agrees with the Inspector at IR 19.5 that the application and appeal proposals must be viewed as a single scheme, and like the Inspector has considered the proposals on this basis.

The Planning Obligations

6. The Secretary of State has considered the three planning obligations (listed at page 130 of the Inspector's Report), signed versions of which were submitted after the close of the inquiry, and the Inspector's commentary on the obligations at IR 17.5 to IR 17.6. The Secretary of State requested on 25 January 2006 by letter sent to the parties that a dated copy of the Section 106 agreement between London Borough of Hammersmith and Fulham, Transport for London, Circadian Limited, Circadian (CH) Limited and London Underground Limited be provided, and this has now been received. The Secretary of State considers that the three obligations are satisfactory, and will deliver the benefits set out at IR 17.5 to 17.6.

The Environmental Statement

7. The Secretary of State has considered the Environmental Statement, and the Inspector's commentary on it at IR 18.1 to 18.6. By letter dated 12 May 2005 the Secretary of State invited Circadian to update the Environmental Statement in the manner suggested by the Inspector at IR18.3. That update was provided on 29 June 2005, and a new non-technical summary on 13 October 2005.

8. The Secretary of State has considered the further correspondence on the amendments to the Environmental Statement. He considers that the Statement, as amended, deals adequately with the environmental impacts of the proposals. In this respect, he does not agree with RBKC that it is necessary for the Environmental Statement to refer to all the obligations in the Strategic and Integrated Transport Improvements (SITS) package. The amendments have been commented on by the parties, and raise no new issues which would necessitate re-opening the inquiry.

Inspector's Conclusions and Recommendation

9. The Inspector, whose conclusions are annexed to this letter, recommended that the appeal be dismissed, and the planning application be refused. For the reasons given below, the First Secretary of State disagrees with the Inspector's recommendations, and has decided to allow the appeal and grant planning permission. All references to paragraph numbers, unless otherwise stated, refer to the Inspector's Report.

Policy Considerations

10. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals shall be determined in accordance with the development plan unless material considerations indicate otherwise.

11. In this case, the Development Plan comprises the London Plan (2004), the Royal Borough of Kensington and Chelsea Unitary Development Plan (RBKC UDP 2002), and the London Borough of Hammersmith and Fulham Unitary Development Plan (LBHF UDP 2003). The Secretary of State agrees that the London Plan policies most relevant to the application and appeal are those listed at IR 3.3, that the most relevant RBKC policies are those listed at IR 3.4, and the most relevant LBHF policies are those listed at IR 3.6. The Secretary of State has also taken into account, as material considerations, the planning brief for the RBKC site adopted in July 1998, the supplementary planning guidance on residential development on the LBHF site, approved in 1994, and the Thames Strategy – Kew to Chelsea, published in 2002.

12. National guidance which the Secretary of State has taken into account as material considerations includes Planning Policy Statement 1 (PPS1) "Delivering Sustainable Development"; Planning Policy Guidance note 3 "Housing" (PPG3), Planning Policy Statement 9 "Nature Conservation" (PPS9), Planning Policy Guidance note 13 "Transport" (PPG13), Planning Policy Guidance note 15 "Planning and the Historic Environment" (PPG15), and Planning Policy Guidance note 17 "Planning for Open Space, Sport and Recreation" (PPG17). Planning Policy Guidance note 9 "Nature Conservation" was before the inquiry, and the Secretary of State considers that the cancellation of this and its replacement by Planning Policy Statement 9 "Biodiversity and Geological Conservation" does not raise any new issues that require a reference back to parties. The Secretary of State has had regard to the consultation draft of Planning Policy Statement 3, published on 5 December 2005. As this is a consultation draft which may be subject to change he has given this document little weight.

Main considerations

13. The Secretary of State considers that the main issues in this case are those identified in the call in letter and set out in IR1.3. The Secretary of State considers each of these in turn below, under the headings given by the Inspector from page 133 onwards of his report.

Relationship of the proposals to national policy contained in PPG3

Land Use

14. The Secretary of State agrees with the Inspector at IR 19.6, for the reasons given in that paragraph, that the land is suitable for housing.

Re-use of previously developed land

15. The Secretary of State agrees with the Inspector that the proposals would bring about the re-use of previously developed land, and that it is only the nature of the proposed redevelopment which is disputed (IR19.7).

Mix of Uses

16. The Secretary of State agrees with the Inspector at IR 19.8 for the reasons given in that paragraph that the proposals would bring about a mix of uses, although residential use would be by far the predominant one.

Affordable housing and mixed communities

17. The Secretary of State considers that the affordable housing on offer through the S106 agreements (39% on the RBKC site and 56% on the LBHF site) would help to create a mixed community and that the permeability of the redeveloped site would integrate the development into the surrounding area (IR 19.9). The Secretary of State gives significant weight to the provision of affordable housing to meet housing need in London in general, and in the two Boroughs concerned in particular. He has had regard to the fact that the quantum of affordable housing proposed is consistent with national policy, strategic policy in the London Plan, and local policy in the UDPs of the two Boroughs, and that the quantum is agreed by the principal parties (7.2, Statement of Common Ground).

Density

18. The Secretary of State agrees with the Developer and GLA at IR 19.11 that the fundamental question in determining whether or not the density is appropriate to the site is whether developing the site in the manner proposed would be in any sense unsustainable, and whether, for example, it would impose any undue strain on local infrastructure, services and facilities. The Secretary of State agrees with the Inspector at IR19.17, for the reasons given in that paragraph, that density should be calculated excluding the creek. He also agrees with the Inspector at IR 19.16, for the reasons given in that paragraph, that the appeal and application sites fit the definition of "urban", where density ranges of between 150 and 165 units per hectare would normally be expected (IR19.17). He agrees with the Inspector at IR 19.18 that this preliminary assessment indicates that the density may be rather too high (in terms of Table 4B.1 of the London Plan), for the area in which the site lies, but that it is appropriate for the reasons given by the Inspector in IR19.19 to consider the development against Policy HO7 in the LBHF UDP, which will permit higher density development, subject to it satisfying five criteria.

Conclusion on matter PTAL (public transport accessibility level) and PPG3

19. The Secretary of State agrees with the Inspector at IR 19.24 that the proposal accords with national policy in PPG3 in relation to land use, re-use of previously developed land, mix of land uses, the quality of the residential environment, and in the amount of affordable housing to be provided, and thus also accords with the development plan policies listed at IR 19.24.

20. The Secretary of State also agrees with the Inspector at IR 19.25 that the proposals do not comply with the development plan with regard to density, but that this is not a compelling objection in itself, and that 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.

Whether the proposal is in accordance with national policy in PPS1, particularly in relation to design and urban design

Whether the proposal is in accordance with national policy contained in PPG 15, in so far as it affects the Sands End Conservation Area

The design of the scheme – the power station

21. The Secretary of State agrees with the Inspector at IR 19.32, for the reasons set out in IR 19.29 to 19.32, that the conversion of the power station would make the building into a focal point for the surrounding area, and that the proposals have many merits.

The principles of layout and design

22. The Secretary of State agrees with the Inspector at IR 19.34 to 19.36, for the reasons given in these paragraphs, that the overall principles of the layout are impressive, making the riverside path, Chelsea Harbour and Imperial Wharf much more accessible to those living in the development and in the Lots Road triangle, and providing an attractive route through the site. In addition, the Secretary of State agrees that the merits of the overall layout outweigh the harm that the complete loss of one row of trees from the avenue of trees close to the Chelsea Harbour boundary and loss from open space of the other would cause (IR 19.36).

The buildings

23. The Secretary of State agrees with the Inspector at IR 19.44, for the reasons given in IR 19.37 to 19.43, that the design of the buildings and the principles of the layout would come together to create an accessible development and an attractive one in architectural and urban design terms, whilst noting that the Inspector makes this subject to his conclusions on the impact of the towers.

Views

24. The Secretary of State agrees with the Inspector at IR 19.48 that the weight to be given to the RBKC planning brief for the site is limited through its status as supplementary planning guidance and by the fact that LBHF took no part in its preparation.

25. Like the Inspector, the Secretary of State accepts the landmark quality of the power station building (IR19.47), although he notes that the power station is not listed. He agrees with the Inspector at IR 19.49 for the reasons in that paragraph that in bulk and height the proposed towers would replace the power station as the obvious landmarks. He agrees with the Inspector that the two key issues are whether the relationship between the towers and the power station, in particular the chimneys, would be acceptable, and whether buildings of this height are appropriate in the context of the river and the surrounding development (IR 19.50).

Development Plan policy on tall buildings

26. The Secretary of State agrees with the Inspector at IR 19.51 for the reasons in IR 19.51 to 19.52 that the key point to be satisfied on London Plan policy 4B.8 is whether the towers "would be acceptable in terms of design and impact on their surroundings". He agrees with the Inspector at IR 19.53 that taking into account the character and building heights of the surrounding area, there is nothing to indicate that a tall building is wrong in principle in this location. The Secretary of State also agrees with the Inspector at IR 19.52 that the existing tall buildings in the area do not form a visual cluster in terms of Policy 4B.9 of the London Plan, although there is an association between them that might, in visual or skyline/focal point terms, warrant a tall building on this site.

27. The Secretary of State agrees with the Inspector at IR 19.56 for the reasons given in IR 19.54 to 19.55 that the proposed towers will be appropriate if they satisfy London Plan policies 4B.8 and 4 B.9.

CABE and English Heritage views

28. The Secretary of State agrees with the Inspector at IR 19.57 that the supportive views of the proposals from CABE and English Heritage ought to weigh heavily in favour of the proposals. Whilst he agrees that their views are not necessarily determinative he considers they should be accorded significant weight.

Views from downstream

29. The Secretary of State does not agree with the Inspector at IR 19.60 to IR 19.69, based on the reasons given in those paragraphs, that the 37 storey tower would be too dominant and over-bearing, or unduly high.

30. In particular, he disagrees with the Inspector's conclusion in IR19.61 that the absence of anything else in the skyline suggests that a 37 storey tower is inappropriate; and with his conclusion in IR19.62 that the fact that the 37 storey tower would be significantly higher and thus more prominent than the power station chimneys and the World's End Towers is an indication that the 37 storey tower is too tall. Given the Inspector's conclusion in IR19.53 that there is nothing to say that a tall building is wrong in principle, the Secretary of State does not consider that the height of any new building should necessarily be restricted by the height of other buildings in the area.

31. In reaching this conclusion the Secretary of State has had regard to the Inspector's observation (IR 19.58 to 19.59) that the buildings would appear larger in reality than they do in the submitted photographs. He has made allowance for these concerns in his assessment.

32. The Secretary of State has also taken into account the views of CABE, English Heritage and the Mayor of London in support of the scheme. He notes that, although RBKC object to it, the 37 storey tower itself would be situated within the Hammersmith and Fulham site, and that LBHF find the tower acceptable, both as part of development on that site, and as part of the overall proposals (IR8.33).

33. The Secretary of State agrees with the Inspector at IR 19.70 that the setting of the Albert Bridge would not need to be protected from the introduction of the proposed towers.

Views from the opposite bank of the Thames

34. For the reasons set out in paragraphs 29-31 above, the Secretary of State does not agree with the Inspector's conclusions in IR 19.77 (for the reasons given in IR 19.71 to IR 19.76), that the 37 storey tower would be too tall or would dominate the scene in an overpowering way.

35. The Secretary of State notes the Inspector's observations in these paragraphs about the relationship of the towers to the existing power station. However, he also notes the Inspector's conclusion (IR19.88) that virtually any development of the site would leave the power station building barely visible. As explained in paragraph 42 below, the Secretary of State does not consider that if the power station is to be retained as a landmark, it is necessary that it should remain a landmark in all views after development has taken place around it (IR 19.48).

Views from the south bank west of the WLL bridge

36. The Secretary of State considers that the 37 storey tower conforms to London Plan policies 4B.8 (tall buildings - location) and 4B.9 (large buildings - design and impact), and agrees with the Mayor of London at IR7.45 that both towers would create attractive landmarks enhancing London's character at this point on the river, and that the towers would relate well both to the power station and to other tall buildings in the area.

37. The Secretary of State agrees with the Inspector at IR19.78 that the 37 storey tower would be little more than another tall building in the urban scene when viewed from the south bank west of the WLL bridge. He further agrees that there is little to count against the proposals when seen from this direction.

Views from Brompton Cemetery

38. The Secretary of State agrees with the Inspector at IR19.79 that the elevational treatment of the towers and the effect of distance would combine to render them incidents rather than distractions on the skyline beyond.

Views from the Lots Road triangle

39. The Secretary of State notes that the Inspector, in his consideration at IR19.80 to IR 19.81, concludes that Lots Road power station is already dominant in views from the triangle and that the proposed towers would rise above the power station and create a further overbearing impact on views. Having regard to the design and materials to be used, the Secretary of State considers that the development would comply with national policy as set out in PPS1, which asks for the design of development to be appropriate in its context and to take the opportunities available for improving the character and quality of an area and the way it functions. In reaching this conclusion he has taken into account the inquiry evidence and the views in support of the scheme.

Views from Chelsea Harbour and in the vicinity of Imperial Wharf

40. The Secretary of State agrees with the Inspector at IR19.82, for the reasons given in that paragraph, that the towers would not be out of place, and would appear as modern architecture in the context of modern architecture.

Night-time views

41. The Secretary of State considers that views of the proposed development must be acceptable both during the day and at night. He agrees with the Inspector at IR19.83 that the towers would be no more intrusive by night in riverside views than by day.

Old or new landmark

42. The Secretary of State agrees with the Inspector's 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, that the power station building lacks the architectural merit to warrant the space around it being left largely open, and that a tall building or two need not be inappropriate in this location (IR19.88 to IR 19.89). The Secretary of State concludes that the preservation of an existing landmark, in the power station, is not an overriding concern which should prevent the opportunity for effective development of the site. Having studied the detailed plans of the scheme and the views expressed by bodies such as CABE and English Heritage, the Secretary of State does not agree with the Inspector that the proposed 37 storey tower would be too tall in this location and context.

Landmarks and gateways

43. The Secretary of State agrees with the Inspector at IR19.93, for the reasons given in paragraphs IR19.90 to 19.92 that there is no particular argument for a gateway or landmark building that could influence consideration of the proposal in its urban design context, although he agrees with the Mayor of London's view at IR 7.45 that the two towers would create attractive landmarks enhancing London's character at this point on the river.

Impact on conservation areas

44. The Secretary of State agrees with the Inspector at IR19.94 that there would not be any harmful effect on the character and appearance of conservation areas. He further notes with the Inspector at IR19.96 that no building of merit, in or out of any conservation area, is to be demolished, and agrees with the Inspector in that same paragraph that the character and appearance of the creek would be enhanced by the proposals.

Impact on residential amenity

Daylight

45. The Secretary of State agrees with the Inspector's conclusions at IR 19.102.

Sunlight

46. The Secretary of State agrees with the Inspector at IR19.104 for the reasons given in that paragraph that the impact on sunlight does not seem unreasonable or unacceptable for what is a relatively densely developed urban area.

Overshadowing

47. The Secretary of State agrees with the Inspector at IR19.105 that the proposals would not cause overshadowing of individual properties sufficiently serious to warrant their rejection.

Solar glare

48. The Secretary of State agrees with the Inspector at IR19.106 that the orientation of the rhomboidal plan of the two towers would seem to limit the opportunities for harmful glare.

Pressure on local services and facilities

49. The Secretary of State agrees with the Inspector at IR19.107, for the reasons given in that paragraph, that the facilities to be provided are reasonable, and he concludes that King's Road West and Fulham Broadway, with the additional shops and services these provide, are within walking distance of the site for some people. The Secretary of State further agrees with the Inspector at IR19.108, for the reasons given at IR19.107 that although subject to objections at inquiry, the schemes' impact on local services and facilities is acceptable.

Overall conclusion on matters f and g

50. Unlike the Inspector, the Secretary of State does not consider the visual impact of the 37 storey tower is so significant that it justifies a conclusion (IR19.111) that this element of the scheme is contrary to London Plan policy 4B.8 by having an unacceptable impact on its surroundings, or to policy 4B.9 by not being suited to its wider context or to policy 4C.20 by failing to relate successfully to its context. Similarly, in the opinion of the Secretary of State, the 37 storey tower does not run contrary to two of the criteria of policy 4B.1 (failing to respect local context and thus failing to be attractive to look at). For the same reason the Secretary of State concludes that the 37 storey tower does not run contrary to LBHF UDP policy EN9, and RBKC UDP policy CD37.

51. The Secretary of State agrees with the Mayor of London that the towers would create attractive landmarks relating to other tall buildings in the area and that the development represents high quality design in an area which is not one of particular sensitivity to tall buildings (IR7.44-IR7.54)

52. The Secretary of State agrees that the EH/CABE joint guidance on tall buildings supports the construction of a tall building (or buildings) on this site in the context of the existing tall buildings in the vicinity. However, he does not agree with the Inspector that a 37 storey tower is just too tall to create a comfortable inter-relationship (IR19.112) nor that by virtue of its height the proposal fails criteria (i), (ii) and (iv) of this guidance, particularly given the strong support for the scheme expressed by both English Heritage and CABE.

Whether the proposal is in accordance with national policy contained in PPG13, particularly with regard to: the impact on traffic generation and overall travel patterns; the effect and adequacy of the proposed improvements to public transport; the impact of the development on traffic congestion in the local area; and the proposed car parking

Impact on traffic generation and overall travel patterns

53. In considering PPG13 issues, the Secretary of State, like the Inspector, has had regard to the transport impacts of other development planned in the area, both as discussed at the inquiry, and raised in the reference back exercise. The Secretary of State accepts the Inspector's conclusion at IR19.115 that car trips would be significantly fewer than trips by other modes for the reasons given in that paragraph.

Proposed improvements to public transport

54. The Secretary of State agrees with the Inspector at IR19.123, for the reasons given at IR19.117 to IR19.122, 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. He further agrees with the Inspector that the improved bus services would benefit the existing population in the area as well as the proposed development.

Impact on traffic congestion in the local area

55. The Secretary of State agrees with the Inspector at IR19.126 that so far as the immediate road network is concerned, the development would not generate traffic with which the local streets could not cope. He also agrees with the Inspector that the section 106 makes provision for the worst affected junction (that where Lots Road meets Cremorne Road) to be signalised, and that this may make it a preferable option to Tadema Road and Ashburnham Road at certain times of day.

56. At IR19.127, the Inspector does not consider that traffic generation at the junction of Lots Road with King's Road would be likely to change existing conditions to any significant extent, even if the pedestrian cycle were to be called more regularly than assumed.

57. The Inspector considers at IR19.128 that provision in the section 106 obligation for traffic calming could be used to deter rat-running in Lots Road, and the Secretary of State agrees with this assessment.

58. The Secretary of State agrees with the Inspector at IR19.129 that temporary road closures and pressure for parking when Chelsea FC is playing at home should not count against these proposals for housing development on a vacant brownfield site. The Secretary of State, like the Inspector, appreciates that local residents and road users must suffer considerable inconvenience when the first team is playing at home. However, he agrees with the Inspector that this happens no more than 40 times in a season.

Car parking provision

59. The Secretary of State agrees with the Inspector at IR19.130 that parking provision is in line with policy, and would be unlikely to generate demand for on-street parking in the Lots Road triangle.

60. The Secretary of State agrees with the Inspector at IR19.131 that some on-street 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 that the lost spaces would be replaced within the development.

61. The Secretary of State has considered the post-inquiry correspondence between Addleshaw Goddard for Circadian Limited, and the Royal Borough of Kensington and Chelsea, on the question whether the £1.5m contribution to car parking is strictly necessary, in view of the fact that the application makes provision for 40 places within the development. The Secretary of State notes RBKC's statement (letter of 7th November 2005) that if Circadian's position had been declared prior to the public inquiry, the Council may have advanced an additional reason for refusal of planning permission and called additional witnesses to give evidence on transportation matters.

62. In circumstances where the point may not have been fully canvassed at the inquiry, the Secretary of State does not have sufficient information to reach a concluded view on the question whether the £1.5m contribution was strictly necessary. However, since (irrespective of Circadian's formal position) the Section 106 agreement dated 27 April 2005, between RBKC, Circadian Limited, Transport for London and London Underground Limited, contains provision for this contribution in any event, the need for a contribution would not be a reason for the Secretary of State to refuse permission. Accordingly, the Secretary of State does not consider it necessary for him to determine the issue of necessity at this stage.

Overall conclusion on matter d

63. The Secretary of State agrees with the Inspector at IR 19.133, for the reasons given at IR19.132, that the proposed development would accord with policy in PPG13, and that it would also accord with development plan policy in this respect.

Whether the proposal is in accordance with policy contained in PPG17

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

64. The Secretary of State agrees with the Inspector at IR19.135 that 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.

65. The Inspector concludes at IR19.137 that the power station internal street should be excluded from the calculation of open space to be provided in the development, and the Secretary of State agrees with this assessment for the reasons given in that paragraph. He further agrees with the Inspector's conclusions regarding the assessment of what comprises open space on the site in the remainder of that paragraph.

66. For the reasons given at IR19.140, the Secretary of State agrees with the Inspector that the proposed publicly accessible open space would be acceptable.

67. In terms of provision of play space for younger children, the Secretary of State agrees with the Inspector's conclusion at IR19.142 that the proposed equipped play area should be large enough for the number of children in the age range to use it.

68. The Secretary of State agrees with the Inspector at IR19.145 that on balance, the quality of the layout, the site's location beside the river and astride the creek, the proximity (along the riverside path) of the proposed park to be created beyond Imperial Wharf and the contributions to be made to improving Westfield Park and Sports facilities in the Royal Borough of Kensington and Chelsea are enough, taken together, to make the proposals acceptable in terms of PPG17. He further agrees with the Inspector that the layout and setting are also enough to outweigh the fact that the private open space standards in the London Borough of Hammersmith and Fulham UDP would not be met.

Whether the proposal is in accordance with national policy contained in PPG9 Nature Conservation (now PPS9 Biodiversity and Geological Conservation)

69. For the reasons given at paragraphs IR19.146 to IR19.148, the Secretary of State agrees with the Inspector's conclusion 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.

The relationship of the proposed development to the relevant policies and provisions of the adopted London Borough of Hammersmith and Fulham UDP

70. The Secretary of State agrees with the Inspector at IR 19.150, that the proposals accord with LBHF UDP policies on housing, transport, open space, enhancement of Chelsea Creek (Site 22), nature conservation and river development, and policies affecting the setting of listed buildings and development in conservation areas.

71. The Secretary of State disagrees with the Inspector that the proposals would fail to satisfy criteria b) and c) of Policy EN8 (design of new development), Policy EN9 (high buildings), and Policies EN31 (important views along, across and from the river, and EN 31X (design of development within the Thames Policy Area). In reaching this conclusion, the Secretary of State has given weight to LBHF's view that the proposals are acceptable in terms of the proper planning of the area, and having regard to all material considerations (IR8.1), and that there is no element of the scheme, either by itself, or in combination with other elements, which justifies the refusal of planning permission (IR 8.2).

72. The Secretary of State agrees with LBHF that subject to the appropriate detailing, the local area, including the riverside, would be enhanced by the appeal proposals (IR 8.11). He agrees with LBHF (IR 8.12) that the towers would not detract from the grandeur of the river, and that there would be some visual linkage with existing tall buildings in the area (IR 8.13). The Secretary of State agrees with LBHF's judgement (IR 8.14) that taken in the overall balance, the development would enhance the character and appearance of the conservation area and the riverside. The Secretary of

State has also had regard to the views of CABE, English Heritage, and the Mayor of London, in reaching these conclusions.

The relationship of the proposed development to the relevant policies and provisions of the adopted Royal Borough of Kensington and Chelsea UDP

73. The Secretary of State agrees with the Inspector at IR 19.152 that the proposals meet RBKC UDP policies on housing, transport, open space and play space (with the exceptions of failing to meet the aims of Policies LR2 and LR40 on site, but that this failure is offset by the S106 obligation and the proximity of the proposed park at Imperial Wharf). The Secretary of State also considers that the proposals meet RBKC policies on settings of listed buildings, character and appearance of conservation areas, and parks and gardens, and on ecological management and nature conservation.

74. The Secretary of State disagrees with the Inspector that the proposals fail the riverside, design of development, and tall buildings policies at IR 19.152, although he agrees, for the reasons given by the Inspector, that the constraint on height imposed by Policy CD6 is not justified for this location. In reaching these conclusions, the Secretary of State has also given particular weight to the views of CABE and English Heritage and their support for the proposals.

The relationship of the proposed development to the relevant policies and provisions of the London Plan, in particular those concerning development affecting the Thames

75. The Secretary of State agrees with the Inspector at IR 19.154, for the reasons in that paragraph, that the proposals meet London Plan policies on housing, integrating transport and development and other transport matters, open space strategies, heritage and conservation, and biodiversity and nature conservation. He also agrees with the Inspector at IR 19.154 for the reasons in that paragraph, that the proposals would satisfy Policy 4B.5 (creating an inclusive environment).

76. The Secretary of State agrees with the Inspector at IR 19.155, for the reasons in that paragraph, that there is no objection in terms of the caveat against large-scale development in central London outside the Central Activities Zone (CAZ).

77. The Secretary of State disagrees with the Inspector that the proposals conflict with some criteria in Policy 4B.1 (design principles for a compact city), and with Policy 4B.8 (tall buildings-location), 4B.9 (large-scale buildings-design and impact), and Policy 4C.20 (design-starting from the water). In reaching this conclusion, the Secretary of State has taken into account the Mayor's view that the entire scheme conforms to the policies of Chapter 4B of the London Plan. The Secretary of State agrees with the Mayor's view at IR 7.45 that the towers would create attractive landmarks at this point on the Thames and would relate to other tall buildings in the area.

78. The Secretary of State agrees with the Mayor at IR 7.46 that RBKC UDP Policy CD6 does not conform to the requirements of either the English Heritage or CABE guidance on tall buildings and is in conflict with Policy 4B.8 in the London Plan, and at IR 7.47 for the reasons in that paragraph, that the "Thames Strategy – Kew to Chelsea" also does not meet the requirements of Policy 4B.8. The Secretary of State agrees

with the Mayor at IR 7.54 that where aspects of the development plan do not accord with the London Plan, then the provisions of the London Plan should prevail.

79. The Secretary of State agrees with the Mayor at IR 7.52, for the reasons given in that paragraph, that the scheme conforms to the criteria in Policy 4C.20.

80. In reaching these conclusions, the Secretary of State has also taken into account the support of English Heritage and CABE (IR 7.49 and IR 7.52).

The Blue Ribbon Network (BRN) policies

81. The Secretary of State agrees with the Inspector at IR19.158 that the planning history of this site since the 1980s indicates that a residential-led scheme has been anticipated, and that there is nothing in either Council's UDP to suggest that water-based uses should be preferred.

82. The Secretary of State also agrees with the Inspector at IR19.160 that the BRN policies do not negate the proposals in the already adopted UDPs for residential-led development.

83. The Secretary of State agrees with the Inspector, for the reasons given in IR19.162 to IR19.164 that the appeal proposals do not offend against the BRN policies listed.

84. The Secretary of State agrees with the Inspector's conclusion at IR19.166 that use of the creek by the Westminster Boating Base for canoeing and kayaking ought not to be impeded by new bridges giving the same clearance as the road bridge.

85. The Secretary of State agrees with the Inspector at IR19.167 that given that the Environment Agency is content with the flood storage capacity offered by the appeal scheme, there is no reason to take a different view.

Other relevant material planning considerations

The fallback position

86. The Secretary of State agrees with the Inspector at IR19.168 that a potential fall-back clearly exists in that there is an extant planning permission for what is known as Chelsea Harbour Phase 2. The Secretary of State notes that this scheme does not provide affordable housing or public transport improvements, and agrees with the Inspector at IR19.168 that, if implemented, it would be noticeably out of kilter with present-day policy and practice.

87. The Inspector, at IR19.171, does not give much weight to the prospect of the Chelsea Harbour Phase 2 planning permission being implemented should these proposals be rejected. The Secretary of State agrees with the Inspector for the reasons given at IR19.169 to IR19.170.

The benefits claimed for the scheme

88. The Inspector concludes at IR19.172 that the manner of the retention of the power station building is a clear benefit of the scheme and the Secretary of State agrees.

Whether any permission should be subject to conditions and, if so, the form they should take

89. The Secretary of State agrees with the Inspector at IR 19.173, that planning permission should be subject to the conditions set out in Annex C, with conditions for the RBKC site, and for the LBHF site.

Overall conclusion

90. The Secretary of State concludes that both proposals are in broad compliance with the UDPs of both boroughs and that although there is conflict with RBKC's Policy H12 he agrees with the Inspector that this policy is not compliant with the more recent London Plan and with the guidance in PPG3 and it should therefore be given little weight (IR 19.152). Similarly he agrees that RBKC's policy CD6 should be given little weight because it also is in conflict with the London Plan (IR 19.182).

91. He considers that the proposals will provide many important benefits including the redevelopment of a brownfield site and will aid the regeneration of the area in a sustainable way as well as improving public transport provision and providing both market and affordable housing in two London boroughs with a high degree of housing need. In common with the Inspector and many of those who gave evidence to the inquiry the Secretary of State considers that the scheme's overall design is of a high standard.

92. The Secretary of State has given careful consideration to the objections raised with regard to the height of the 37 storey tower and its visual impact, particularly on views from Lots Road Triangle and the river and those contending that the mass of the two towers would result in an adverse visual impact on the local area, including the riverscape. On this issue, the Secretary of State disagrees with the Inspector that the height of the towers is unacceptable. If and to the extent there might be any harm, the Secretary of State considers that it is outweighed by the overall benefits of the scheme.

93. In forming this view the Secretary of State has given particular weight to the Inspector's conclusion that the proposed towers will be appropriate if they satisfy London Plan policies 4B.8 and 4B.9 (IR 19.56). For the reasons given in paragraphs 75 to 80 above, he has concluded that the towers are compliant with these policy requirements and, in reaching this conclusion, he has accorded substantial weight to the endorsement given to the towers by CABE, English Heritage and the Mayor of London., He also acknowledges the broad support for the proposals by LBHF. Accordingly, the Secretary of State has decided to allow the appeal made in respect of the application made under reference PP/02/01324, and to grant planning permission for the application made under reference 2002/03132/FUL.

Formal decision

94. Accordingly, for the reasons given above, the Secretary of State disagrees with the Inspector's recommendations. He hereby:

- Allows your clients' appeal against the decision of the Royal Borough of Kensington and Chelsea to refuse planning permission
- Grants your clients' application to the London Borough of Hammersmith and Fulham for planning permission subject in both cases to the conditions at Annex C.

95. An applicant for any consent, agreement or approval required by condition of this permission and for the agreement of the reserved matters has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally, or if the local planning authority fail to give notice of their decision within the prescribed period.

96. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than that required under section 57 of the Town and Country Planning Act 1990.

Right to challenge the decision

97. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged by making an application to the High Court within six weeks from the date of this letter.

98. A copy of this letter has been sent to The London Borough of Hammersmith and Fulham and the Royal Borough of Kensington and Chelsea and those who appeared at the inquiry.

Yours faithfully

E. A. Sealey

Elizabeth Sealey
Authorised by the First Secretary of State
to sign in that behalf

ANNEX C: CONDITIONS

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 $L_{Aeq,\ 16\ hour}$ between 0700 and 2300 hours and 30dB $L_{Aeq\ 8\ hour}$ 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_{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.

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 $L_{Aeq,\ 16\ hour}$ between 0700 and 2300 hours and 30dB

$L_{Aeq\ 8\ hour}$ 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.

Office of the
Deputy Prime Minister
Creating sustainable communities

RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT

These notes are provided for guidance only and apply only to challenges under the legislation specified. If you require further advice on making any High Court challenge, or making an application for Judicial review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, Queens Bench Division, Strand, London, WC2 2LL (0207 947 6000).

The attached decision is final unless it is successfully challenged in the Courts. The Secretary of State cannot amend or interpret the decision. It may be redetermined by the Secretary of State only if the decision is quashed by the Courts. However, if it is redetermined, it does not necessarily follow that the original decision will be reversed.

SECTION 1: PLANNING APPEALS AND CALLED-IN PLANNING APPLICATIONS;

The decision may be challenged by making an application to the High Court under Section 288 of the Town and Country Planning Act 1990 (the TCP Act).

Challenges under Section 288 of the TCP Act

Decisions on called-in applications under section 77 of the TCP Act (planning), appeals under section 78 (planning) may be challenged under this section. Any person aggrieved by the decision may question the validity of the decision on the grounds that it is not within the powers of the Act or that any of the relevant requirements have not been complied with in relation to the decision. An application under this section must be made within six weeks from the date of the decision.

SECTION 2: AWARDS OF COSTS

There is no statutory provision for challenging the decision on an application for an award of costs. The procedure is to make an application for Judicial Review.

SECTION 3: INSPECTION OF DOCUMENTS

Where an inquiry or hearing has been held any person who is entitled to be notified of the decision has a statutory right to view the documents, photographs and plans listed in the appendix to the report of the Inspector's report of the inquiry or hearing within 6 weeks of the date of the decision. If you are such a person and you wish to view the documents you should get in touch with the office at the address from which the decision was issued, as shown on the letterhead on the decision letter, quoting the reference number and stating the day and time you wish to visit. At least 3 days notice should be given, if possible.

Correspondence on which Representations are Invited (24 October 2005)

Date	From/To
29 June 2005	Addleshaw Goddard/ODPM
8 July 2005	The Chelsea Society/ODPM
22 August 2005	RBK&C/The Planning Inspectorate
25 August 2005	Addleshaw Goddard/The Planning Inspectorate
6 October 2005	RBK&C/The Planning Inspectorate
13 October 2005	Addleshaw Goddard/The Planning Inspectorate Addleshaw Goddard/ODPM
17 October 2005	Melyssa Stokes (Lots Road Action Group)/ODPM

Schedule of other Post-Inquiry Correspondence which the Secretary of State does not consider raises new issues, and is not included for further representations.

Date	From/To
1 July 2005	Addleshaw Goddard/ODPM
8 July 2005	A della Casa/ODPM
9 July 2005	Clare Pelham/ODPM
11 July 2005	Kate Phillips (Ashburnham Mother & Toddler Group)/ODPM Richard Brassey/ODPM
12 July 2005	Edwina Wynard/GOL (forwarded to ODPM)
28 September 2005	Melyssa Stokes (Lots Road Action Group)/ODPM
22 September 2005	Circadian/ODPM

Correspondence on which Final Representations are Invited (23 November 2005)

Date	From/To
7 November 2005	RBK&C/ODPM
14 November 2005	Addleshaw Goddard/ODPM
14 November 2005	Melyssa Stokes (Lots Road Action Group)/ODPM
14 November 2005	River Thames Society/ODPM
14 November 2005	Cllr Brendan Bird/ODPM

Final Representations Received

Date	From/To
24 November 2005	RBK&C/ODPM
7 December 2005	Addleshaw Goddard/ODPM
7 December 2005	River Thames Society/ODPM
7 December 2005	David Le Lay (The Chelsea Society)/ODPM
13 December 2005	Melyssa Stokes (Lots Road Action Group)/ODPM

Correspondence received in response to the letter of 25 January 2006

Date	From/To
25 January 2006	Addleshaw Goddard/ODPM, enclosing 3 Section 106 agreements

Report to

the First Secretary of State

by John L Gray DipArch MSc Registered Architect

an Inspector appointed by the First Secretary of State

The Planning Inspectorate
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
☎ GTN 1371 8000

Date: 17 August 2005

THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA

AND

THE LONDON BOROUGH OF HAMMERSMITH & FULHAM

APPEAL AND APPLICATION BY

CIRCADIAN LIMITED

Inquiry held on 1-4, 8-11, 15-18 and 22-25 February and 25-26 April 2005

Lots Road Power Station and land to the south side of Chelsea Creek, London SW10

File Refs. APP/K5600/A/04/1146268 and APP/H5390/V/04/1148781

File Ref. APP/K5600/A/04/1146268
Lots Road Power Station, Lots Road, London SW10

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Circadian Limited against the decision of the Council of the Royal Borough of Kensington and Chelsea.
- The application, ref. PP/02/01324 dated 7 June 2002, was refused by notice dated 13 November 2003.
- The development proposed is: the demolition of parts of the former Lots Road Power Station; the provision of 420 residential units by means of conversion of the power station building to include residential units, retail, business and community, a doctor's surgery and restaurants, the erection of a residential tower with a ground floor gymnasium and the erection of two other residential buildings (one to incorporate a nursery and business uses); car parking spaces, cycle parking, servicing, landscaping and works to Chelsea Creek and Chelsea Basin, including the construction of three pedestrian bridges across the creek.

Summary of Recommendation: that the appeal be dismissed.

File Ref. APP/H5390/V/04/1148781
Land to the south of Chelsea Creek, Chelsea Harbour Drive, London SW10

- The application was called in for decision by the First Secretary of State by a direction made under section 77 of the Town and Country Planning Act 1990 on 19 April 2004.
- The application is made by Circadian Limited to the Council of the London Borough of Hammersmith & Fulham.
- The application, ref. 2002/03132/FUL, is dated 12 December 2002.
- The development proposed is: the demolition of buildings ancillary to the former Lots Road Power Station; the provision of 382 residential units by means of the erection of a residential tower with a ground floor gymnasium plus six other buildings; car parking spaces, cycle parking, children's playspace, servicing, landscaping and associated works to Chelsea Creek and Chelsea Basin, including the construction of three pedestrian bridges across the creek.
- The reasons given for making the direction were because the Secretary of State considered that the proposals 'could have significant effects beyond their immediate locality and may conflict with national and regional policies on important matters'.

Summary of Recommendation: that the application be refused.

1 PREAMBLE

1.1 The proposals are a single scheme which straddles the boundary between the Royal Borough of Kensington and Chelsea (RBKC) and the London Borough of Hammersmith & Fulham (LBHF). The application to RBKC was refused and an appeal lodged. The application to LBHF was called in and the RBKC appeal recovered, enabling both parts of the proposals to be considered at the same inquiry. The descriptions above are not those in the original applications but have been amended both to be more accurate and in the light of various amendments since the applications were originally submitted.

1.2 The inquiry opened on 1 February 2005, sat for four full weeks in February and was then adjourned to conclude on 25 and 26 April 2005. I made an accompanied visit to the site on 2 February 2005 and a more extensive accompanied site visit on 27 April 2005. I made unaccompanied visits to the area on various occasions before and during the inquiry and also during its adjournment.

1.3 On the information available at the time of making the direction, the following were the matters on which the Secretary of State particularly wished to be informed for the purpose of his consideration of the LBHF application:

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

(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;

(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;

(d) whether the proposal is in accordance with national policy contained in PPG13 *Transport*, particularly with regard to:

(i) the impact of the proposal on traffic generation and overall travel patterns having regard to the desirability of achieving development that minimises the need to travel, particularly by private car;

(ii) the effect and adequacy of the proposed improvements to public transport;

(iii) the impact of the development on traffic congestion in the local area;

(iv) the proposed level of car parking;

(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;

(f) whether the proposal is in accordance with national policy contained in PPG1 *General Policy and Principles*, particularly in relation to design and urban design (as defined in para. 14 of PPG1);

(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;

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

(i) the relationship between the development of this site and proposals for the adjoining land in the Royal Borough of Kensington and Chelsea, including any relevant provisions of the adopted UDP for the RBKC;

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

(k) any other relevant material planning considerations.

1.4 The call-in letter was directed at the LBHF application but the inquiry considered also the appeal against RBKC's refusal. Item (i) may thus be amended in line with item (a) as 'the relationship of the proposed development to the relevant policies and provisions of the adopted Royal Borough of Kensington and Chelsea UDP. On item (f), PPG1 has now been replaced by PPS1 *Delivering Sustainable Development*. The definition in para. 14 of PPG1 is not repeated in a similar form but paras. 33-35 of PPS1 address high quality and inclusive design.

2 THE SITE AND SURROUNDINGS

2.1 Lots Road Power Station, now decommissioned, stands on the north bank of the Thames. In fact, there being a bend in the river, it is actually the north-west bank – but I shall refer throughout this report simply to the north and south banks of the Thames. The combined application and appeal site straddles Chelsea Creek, a tributary of the Thames which acts as the boundary between RBKC and LBHF. The power station building itself stands in RBKC, on the north-east side of the creek, on the appeal site. The application site is in LBHF, on the south-west side of the creek.[A]

The RBKC appeal site

2.2 The power station building, just over 100 years old, is one of the more prominent and dominant buildings in the area.[B] It stands at the back of the Lots Road footway with a frontage of some 138m and a façade height of about 24m to the top of the parapet (rising to about 24.5m at the western end, given the slight fall along Lots Road).[C] It is about 53.5m deep, the parallel boiler house (along Lots Road) and turbine hall (towards the river) giving double gables to the east and west elevations. The boiler house gables are about 23m deep and almost 30m to the ridge (at the eastern end); the turbine hall gables are over 30m deep and almost 42m to the ridge. The whole is built with a steel frame and brick cladding. There are two tall brick chimneys, about 83m high, just within the south wall of the turbine hall, circular above the roof, octagonal below. (There used to be two more rising from within the north side of the turbine hall.[D])

2.3 The Lots Road façade (of the boiler house) is sub-divided into 24 semi-circular arch-headed bays some 17m high. They are not all the same width, the two bays aligned with each chimney (four in total) being slightly narrower. The ground floor is essentially blank (save for one large doorway and one personnel door); the windows above in each bay, generally about 4.4m wide, are some 11m high to the arch keystone.[E]

2.4 The south façade (of the turbine hall) also acts, for the most part, as the northern edge of Chelsea Creek. It is not only higher than the Lots Road façade but also to a grander scale, being sub-divided into just twelve bays. The chimneys are behind the third bay from either end. The form of the other semi-circular arch-headed openings (over 26m from ground level to keystone) is still clear but they are bricked in so that the entire façade is essentially blank.[F]

2.5 There have been various later additions to the eastern gables – of three, four and five storeys, all brick built, with flat or lean-to roofs.[G] They obscure or dilute the simplicity and clarity of the original gables. The western gable has not suffered to the same extent.

A Document CD1 has the 'red line' boundaries of the appeal and application sites on p.2 and p.3 and a master plan for the proposals on p.12.

B Document A/RT/A, prepared in support of the proposals, has various views taken for the Environmental Statement and subsequently which show the power station in its setting.
Document CD59 – Appendix C2 has a description of the power station (pp.11-18 and illustrations following) and all other standing buildings (p.22 *et seq*), with a key diagram at Figure 1 in Appendix CPM4.

C Document CD1A comprises three drawings marked up to show the dimensions of the building.

D Document A/TF/P/2 – p.50.

E Document CD3 – p.35.

F Document CD3 – p.35.

G Document CD59 – plate 1.1 following p.21; also
Document A/TF/P/2 – p.116.

2.6 A range of buildings immediately to the east of the power station contained oil cooling plant, storage battery house, offices and stores.[A] They are brick built and generally two and three storeys tall. There is a bridge connection to the buildings on the east gable of the power station. The land to the south is open and flat save for the water screens where water for cooling the turbines was extracted from the river.

2.7 Around 20m from the western gable of the power station, on the corner of Lots Road and Harbour Drive, stands the pump house and control room.[B] It has a frontage of over 40m to Lots Road and is about 20m deep. A tall two-storey structure, it dates from the 1960s, is rectilinear in form and is clad mostly in profiled metal sheet, pale grey in colour.

2.8 More or less behind this building is another modern building, the Bulk Supply Point, which is **not** within the appeal site. It is the transformer in this building (plus others elsewhere in London) that now provides power for London Underground Limited (LUL) and has rendered the power station surplus to requirements. The building is near to 40m long but only around 10m deep, giving it a more slender appearance from Harbour Drive than the pump house and control room. It has brick walls, a modelled façade and a segmental curved roof set clear of a parapet line, all of which gives it an appearance rather more in keeping with the power station building.[C]

The LBHF application site

2.9 There is just one building on the application site, the oil storage building, standing on the south bank of the creek.[D] It is around 75m by 23m on plan and probably about 20m tall, clad almost entirely in corrugated sheet, industrial and utilitarian in appearance. To its west is the pressure reduction station, a roofed compound built in the 1970s. Otherwise, the site is open, flat (though on two slightly different levels), and unkempt.

Chelsea Creek

2.10 Falling within both sites, the creek has retaining walls on either side. The power station on its north side is built directly off the retaining wall, the oil storage building on its south side very nearly so. Though I describe it above (para. 2.1) as a tributary (which it originally was), the creek is more a man-made tidal canal. Cooling waters from the power station used to discharge into the creek and thence into the Thames. Without the cooling waters, the creek is virtually dry at low tide. Harbour Drive crosses the creek as a continuation of the north-south leg of Lots Road and the application and appeal sites include the basin to the west of the bridge, a derelict area with overgrown banks, difficult to see from the road and with no apparent access.[E] A lock gate separates the basin from the now disused Imperial Wharf basin, to the west side of the West London Line (WLL) (see below); the lock gate is said to be inoperable, rendering that basin landlocked.

The surrounding area

2.11 The site is visible from long stretches of the Thames and its banks, from beyond Chelsea Bridge, over 2km downstream, and beyond Wandsworth Bridge, over 1.5km upstream (though it is primarily the power station chimneys that are visible beyond intervening

[A] Document CD59 – Appendix C2, pp.22-29 and illustrations.
[B] Document CD59 – Appendix C2, pp.32-33 and following illustrations.
[C] Document CD59 – Appendix C2, plate 7.1 following p.37.
[D] Document CD59 – Appendix C2, pp.30-31 and following illustrations.
[E] Document CD62 – Appendix C to Appendix E is a photographic survey of the creek and basin at low tide; the high water mark can be judged from the coloration of the retaining wall below the power station.

buildings from upstream). Because of the bend in the river, the power station is prominent not only from the Chelsea, Albert and Battersea Bridges downstream but also from the whole length of the Chelsea Embankment and Cheyne Walk on the north bank of the river. From the south bank, the site is visible from the riverside walk between the Albert Bridge and the WLL bridge. South-west of that, public access to the river is restricted and views towards the site are obstructed by the WLL bridge.[A]

2.12 The WLL acts as something of a physical as well as visual barrier. It crosses the Thames on a bridge and runs north-west on an embankment separating the Chelsea Harbour and Imperial Wharf developments before passing under King's Road and Fulham Road.[B]

2.13 Lots Road is L-shaped, running west from Cremorne Road past the power station and then turning north towards King's Road. The area bounded by Lots Road, King's Road, Ashburnham Road and Cremorne Road is often referred to as the Lots Road triangle.[C] It comprises primarily terraced housing on Lots Road, Ashburnham Road, Tadema Road and other residential roads. It is generally two-storey and three-storey housing, built a little before the power station, with a degree of rhythm and ornament typical of its time.[D] Also within the Lots Road triangle are Westfield Park, the Heatherly School of Fine Art and Ashburnham Community Centre (both with façades to Lots Road opposite the west end of the power station), an adventure playground and a number of commercial uses (these last mainly on the north-south leg of Lots Road).

2.14 To the east of the power station on Lots Road is the SITA waste transfer station. It has an arched brick façade to Lots Road[E] but, within the site, comprises mainly modern buildings, the equivalent of 2-2½ storeys high, clad in green profiled sheet. On the evidence of my site visits, plant and machinery within the site is a source of potentially disturbing noise. Though it is situated on Cremorne Wharf, no use is made of the river. HGVs access the site along Lots Road from Cremorne Road.

2.15 Chelsea Harbour, a predominantly residential development dating from the 1980s, abuts the LBHF site to its south-west and is contained on its other two sides by the WLL and the Thames. It comprises a series of buildings, varying from four and six storeys nearest to the application site up to eight or nine elsewhere, in a relatively compact and visually dense layout, centred around a marina and with the taller Belvedere Tower, towards the southern end of the development, as its focal point. The overall design, generally with brick or rendered facades and pitched roofs, is very much of its time.[F]

2.16 Imperial Wharf, another mixed but predominantly residential development, still to be completed, lies on the opposite side of the WLL bridge and embankment from Chelsea Harbour.[G] It continues the theme of visually fairly dense development, in a more modern and currently fashionable design idiom, with buildings generally a little taller

---

A Document A/RT/A contains an agreed selection of views from downstream, upstream and the south bank.

B Document A/RT/A – View RT3 on p.RT/3-30 shows the bridge; the line continues inland on an embankment at roughly the same level; the route of the line is clearly seen on the Context Plan at p.1 of Document CD1.

C Document GLA3/2 – Figure 2, though an A-Z extract rather than an OS base, shows the general area; Document CD1 – the plan at p.2, though not going as far as King's Road, is from an OS base.

D Document A/RT/A – Views CP33, CP36 and RT7 (pp. RT/3-22, 24 and 39) give the flavour. Document GLA/1/3 – Photo 11, though seemingly taken with a telephoto lens, shows the disparity in scale between the power station building and the housing on Lots Road.

E Document GLA/1/3 – the SITA building is seen on the left side of Photo 11.

F Document A/RT/A, Views CP13 and RT9 (p.RT/3-18 and 42), and Document GLA/1/3, Photos 4-7, give the flavour of the Chelsea Harbour development.

G Document A/RT/A – View RT3 (p.RT/3-30) shows Imperial Wharf under construction.

than in Chelsea Harbour but without the focal tower. To the south-west of the Imperial Wharf development will be a sizable area of public open space.

2.17 Several high buildings already stand close to the river. The Belvedere Tower is the focal point of the Chelsea Harbour development, a slender 20-storey tower with a distinctive pyramidal roof.[A] World's End, inland of Cheyne Walk to the north-east, dates from the 1970s and comprises seven residential towers of 18/20 storeys plus mid-rise linking buildings, all primarily brick clad.[B] On the south bank, Montevetro is an unashamedly modern design with a distinctive sloping profile, rising from a low point adjacent to the listed St Mary's Church up to 19 storeys at its northerly end. Near to it, away from the river, are two earlier towers, of similar height but much more mundane design, in the Somerset Estate.[C] There are numerous other riverside developments, completed and under construction, giving the riverside a densely developed character; many buildings are several storeys high but none is more than about half the height of the Belvedere Tower, World's End or Montevetro.

Road and rail

2.18 The site sits in something of a cul-de-sac. Access to it is by one leg or the other of Lots Road, from Cremorne Road or King's Road. The WLL provides a barrier to the south-west. The only access to Fulham, to the west, is by an under-bridge from Harbour Avenue to Townmead Road, where a barrier is used to restrict traffic to Chelsea Harbour residents, buses and pedestrians. Chelsea Embankment and Cheyne Walk form part of a 'red route' (part of the Transport for London Road Network) coming west from the City along the north bank of the Thames before turning inland and north-westwards along Cremorne Road, part of Ashburnham Road, Gunter Grove and Finborough Road. Fulham Road, running south-westards from Hyde Park Corner, is also a red route. King's Road, parallel to it but closer to the site, is not. Finborough Road, Gunter Grove and the northerly part of Ashburnham Road form the north-bound half of a one-way loop; Redcliffe Gardens and Edith Grove form the south-bound half, leading into Cremorne Road.[D] While either end of Lots Road provides the only approach towards the site, there is the opportunity of leaving by way of the southerly part of Ashburnham Road or, roughly parallel to it, Tadema Road.

2.19 Though the WLL passes close to the site, there is presently no station serving the area. (A station is, however, proposed – and a contribution to the costs would be forthcoming if the appeal and application schemes were approved.) The nearest tube station is at Fulham Broadway, over 1km from the nearest point of the site (and a 13-minute walk at what was, for me personally, a comfortable pace).

[A] Document A/RT/A – the Belvedere Tower appears in Views CP5, CP7, CP8, CP13, RT3, RT4 and RT6.

[B] Document A/RT/A – World's End appears in Views CP5, CP7, CP8, CP13, RT1, RT2 and RT3.

[C] Document A/RT/A – Montevetro appears in Views CP5, CP7, RT4 and RT10; the two Somerset Estate towers can be seen at the left in View CP5 and one of them in View RT4.

[D] Document GLA3/2 – Figure 1 is a diagram showing red routes; Figure 2 is an A-Z extract of the area; Document CD1 – the plans on pp. 2 and 3 are from an OS base.

3 PLANNING POLICY

The policy references below should not be taken to be exhaustive. They are influenced by the principal issues debated at the inquiry and generally do not dwell on matters on which there was no dispute.

3.1 The Planning Statement of Common Ground[A] sets out the national, regional and local policies agreed to be relevant to the application and appeal proposals. The London Plan, published in February 2004, became part of the Development Plan in September 2004, by virtue of the Planning and Compulsory Purchase Act 2004. The Royal Borough of Kensington and Chelsea Unitary Development Plan, adopted in 2002, (the RBKC UDP) forms the other part of the Development Plan for the appeal site, the London Borough of Hammersmith & Fulham Unitary Development Plan, adopted in 2003, (the LBHF UDP) for the application site.[B]

National Planning Policy Guidance

3.2 From the list agreed by the parties, the following are particularly relevant:

- PPS1, Delivering Sustainable Development
- PPG3, Housing
- PPG9, Nature Conservation
- PPG13, Transport
- PPG15, Planning and the Historic Environment
- PPG17, Planning for Open Space, Sport and Recreation

The London Plan

3.3 Regional Planning guidance is now to be found in the London Plan. In it, RBKC is on the western edge of Central London and LBHF is in the West London sub-region.[C] The policies most relevant to the proposals come from Chapters 2A (The overall strategy), 3A (Living in London), 3C (Connecting London – improving travel in London),[D] 3D (Enjoying London), 4B (Designs on London) and 4C (The Blue Ribbon Network).[E] The list below differs slightly from that in the Statement of Common Ground:

- 2A.1 – sustainability criteria,
- 3A.2 – Borough housing targets,
- 3A.5 – large residential developments,
- 3A.7 – affordable housing targets,
- 3C.1 – integrating transport and development,
- 3C.2 – matching development to transport capacity,
- 3C.16 – tackling congestion and reducing traffic,
- 3D.11 – open space strategies,
- 3C.12 – biodiversity and nature conservation
- 4B.1 – design principles for a compact city,
- 4B.2 – promoting world-class architecture and design,

A Document CD11, Section 5 (PPS1 and PPS6 have both been published since the Statement was finalised).
B Documents CD174, CD199 and CD222 are, respectively, the London Plan and the RBKC and LBHF UDPs.
C Document CD174 – respectively, chapter 5B (pp.227-239) and chapter 5D (pp.257-264).
D Document GLA/2/2 contains a brief summary of the provisions of the 3C policies at pp.32/33.
E The chapter 4C policies identified are not exhaustive – in particular, the River Thames Society argued that the BRN policies had been largely ignored (see para. 15.70 in the context of paras. 15.65-80).

- EN34A – access to the foreshore,
- EN37 – criteria for developments in the river (in as much as the creek is part of the river),
- TN2 – integration of transport and land use planning,
- TN5 – provision for pedestrians,
- TN6 – provision for cyclists,
- TN7 – impact on the Borough road network,
- TN11A – development and road traffic reduction,
- TN15 – parking standards (with Standard S18.1),
- TN21 – public transport improvement in connection with development,
- TN22 – public transport – bus services,
- TN26 – public transport – water,
- HO5 – affordable housing,
- HO7 – residential density (with Standard S2),
- HO8 – residential environment,
- HO12 – residential amenity space (with Standards S5A and S23.2),
- S3 – daylight and sunlight.

3.7 There is supplementary planning guidance on residential development approved in 1994,[A] which includes guidance on children's play space, and also in the Sands End Conservation Area Character Profile.[B]

The Thames Strategy

3.8 The Thames Strategy was prepared in 1995 for the Government Office for London. More specifically, the **Thames Strategy – Kew to Chelsea** was published in 2002.[C] LBHF was one of the partners producing the latter; RBKC was not. In it, Character Reach No.6 is Wandsworth and Sands End, Character Reach No.7 is Chelsea and Battersea. An area including the site is identified in both as a development and regeneration hub and/or a focal point of activity. Chelsea Harbour and Creek are addressed in the section on Key Issues and Opportunities under Character Reach No.7.[D]

[A] Document CD222A.
[B] Document CD225.
[C] Document CD284 is the Thames Strategy.
Document CD226 is the Thames Strategy – Kew to Chelsea.
[D] Document CD226, pp. 4.88-89.

4 PLANNING HISTORY

4.1 Apart from the present proposals, there is no relevant planning history for the RBKC site. The power station ceased operation in November 2002 and decommissioning was completed in August 2003.[A] Thus, the appeal scheme, in its evolution up to the inquiry, is the first serious proposal for redevelopment of the site.

4.2 The bulk of the LBHF site (excluding an area of land alongside the creek) has the benefit of an extant planning permission as Phase 2 of the Chelsea Harbour development (for 173 dwellings, none of which would be affordable housing). The original permission was granted in 1986 and an appeal decision in 2003 confirmed that Phase 2 remained capable of lawful implementation.[B] The application scheme, as it has evolved, is the first proposal for the whole of the LBHF site.

[A] Document CD54 – the updated ES notes at para. 1.12 the date that the power station ceased operating;
Document CD27 – the letter gives the date decommissioning was completed.

[B] Document CD13 has documentation on the original permission and the appeal decision;
Document CD11 – section 3 of the Statement of Common Ground sets out full details of the planning history.

5. THE PROPOSALS

5.1 What is proposed is a comprehensive scheme for the overall site, which comprises 2.08ha in RBKC and 2.50ha in LBHF. The scheme stands or falls as a single entity. It is historical accident that part of the site is in RBKC and part in LBHF, necessitating two separate applications for planning permission. There is no intention to pursue one part of the scheme but not the other, were one part to be thought acceptable but the other not. Nevertheless, it is simplest to describe the proposals by reference to what is proposed for the two parts of the site.[A]

The RBKC site[B]

5.2 The later additions to the power station would be demolished and the original building (identified on the plans and elsewhere as Building KC3[C]) would be converted to provide Class A, Class D1 and community floorspace on the ground floor, set around a full-height atrium, Class B1 floorspace on the first floor and 260 residential units, all but thirteen on the floors above (nine storeys from ground level in the former boiler house, thirteen in the former turbine hall). The existing building on the corner of Lots Road and Harbour Drive would be demolished and replaced by a nine–storey building (KC4) providing 50 residential units. The buildings to the east of the power station would also be demolished and the whole area redeveloped to provide a further 110 residential units in a 25-storey tower (KC1) at the easternmost point of the site, close to where the creek joins the river, in a nine–storey circular building (KC2B) between the tower and the power station and in a third building (KC2A) three storeys high on the Lots Road frontage rising in steps to eight storeys within the site. KC1 would have a residents' gymnasium at ground floor level. KC2A would have a nursery and workshop space at ground level. The area around KC2B and fronting the creek would be publicly accessible open space. Vehicular access would be from Lots Road via a ramp in KC2A to basement car parking. There would be no ground level vehicular access into the site save for emergency vehicles.

The LBHF site[D]

5.3 The existing buildings would be demolished and the site redeveloped to provide a total of 382 residential units in several buildings. A 37-storey tower (Building HF1) would stand close to where the creek joins the river. A seven-storey building (HF2) would stand close to the tower, alongside the creek. At the opposite end of the river frontage a building (HF5) generally five storeys, but with a ten-storey tower closest to the river, would run back from the river, parallel to the most easterly Chelsea Harbour building. Enclosing a riverside square between HF1 and HF5 would be an L-shaped building (HF4), part seven storeys and part eight. Alongside the creek, three buildings (HF3-A, HF3-B and HF3-C) would vary from five storeys (HF3-C, away from the creek) up to ten (HF4, on Harbour Drive, close to the road bridge over the creek). In addition to the Riverside Square, Creekside Park would be a landscaped space alongside the creek, leading into Creekside Park, a roughly triangular space contained by HF3-C on one side, HF2 and HF4 on the other, and thence past a children's playspace on the route to the existing Chelsea Harbour development. Vehicular access would be from Harbour Drive,

---

A Document CD11 – Section 4 in the Statement of Common Ground describes the proposals fully.
B Document CD3 comprises the application plans for the RBKC site at A3 size.
C Document CD1 – the Landscape Masterplan at p.12 identifies the buildings by their RBKC and LBHF numbers.
D Document CD2 comprises the application plans for the LBHF site at A3 size.

between HF3B and the existing Chelsea Harbour building to basement car parking via a ramp in HF3C. As with the RBKC site, there would be no ground level vehicular access into the site save for emergency vehicles.

The creek and riverside

5.4 Three pedestrian bridges would cross the creek as part of proposals to make the whole area (from Lots Road through the site to the riverside path past Chelsea Harbour and Imperial Wharf) more accessible to the public. The creek and basin would see major improvement and enhancement, for nature/ecological conservation reasons rather than transportation ones, as part of the overall landscaping of the site. The riverside path would be extended from Chelsea Harbour to the mouth of the creek, which it would cross by one of the three bridges. Existing development to the east of the site prohibits further effective progress on the riverside path but a right of way would be granted through the RBKC site to Lots Road pending the opportunity of extension.

6 THE CASE FOR CIRCADIAN LIMITED

I give here the gist of the case for Circadian Limited, which is both applicant (LBHF) and appellant (RBKC). It is drawn primarily from the opening and closing submissions and elaborated upon, where appropriate, by reference to the proofs of evidence and to what was said at the inquiry. Closing submissions were made in the order in which I had indicated to the inquiry that I would write this report.

Introduction

6.1 Lots Road Power Station is no longer a factory of power. The land around it is derelict. It is the last in a sequence of sites on this stretch of the River Thames where regenerative development has come forward. Circadian's proposal seeks to complete this period of change with contemporary architecture of the very highest standard. And Circadian does not hesitate to make that claim for the proposals subject of the inquiry.

6.2 London changes. It always has. Those now responsible for its strategic land use planning intend that it should go on doing so, indeed that it must. And because London is a constantly changing city, much of its townscape is characterized by modern and historic elements standing side by side. That can particularly be said of the embankments and environs of the River Thames. The juxtaposition of new and old is an essential and defining characteristic in this as in other aspects of the metropolitan scene.

6.3 So it should be. If London is to mature and thrive as the nation's capital city – and as a world city – it must take the lead in the urban renaissance. When large and prominent sites become available for redevelopment, their regeneration must set an example for others to follow. They must show how London can become a more sustainable and a more compact city. With this evolution will come further change – change to the character and quality of the urban environment, change to the composition and character of the townscape and riverscape, change to the skyline, change to views, vistas and panoramas, and change to, and for, London's communities. All of this is inevitable if the physical and social fabric of London are to retain their vitality.

6.4 Nobody at the inquiry has denied that change may come to the site of this redundant power station. All have said that it must. Ideas differ as to the kind of change that would be suitable, but the First Secretary of State has only to decide whether there is any objection that can be sustained to the change that the applicant proposes. If not, this appeal and this application should succeed.

6.5 These proposals would bring to this site development of an outstandingly high quality of design. Decisions to approve them would carry at least three important messages for those involved in one way or another in the urban renaissance in London.

6.6 Firstly, it would make plain that the Secretary of State remains prepared to welcome the contribution that can be made to the urban regeneration of London by development incorporating well-designed tall buildings. Secondly, it would be clear that achieving a more sustainable and more compact city, involving the erection of more tall and very tall buildings, is not a phenomenon that is to be led by a handful of super-tall commercial buildings in and around the City of London – it can and should include high density residential schemes on suitable sites elsewhere. It would also be clear that there is no embargo preventing such development coming forward on sites beside the River Thames. And thirdly, the Secretary of State would also be showing his encouragement to the role

of the leading British architects of the day, as well as their celebrated colleagues from overseas, in championing the urban renaissance in London. There is, after all, no dispute – nor can there be – that Sir Terry Farrell has earned his place in that company.

6.7 Those three messages would be sound. They would be appropriate. And they would also be consistent with what the Secretary of State has said in his recently issued 'minded to grant' letter on the Vauxhall Tower proposal.[A]

6.8 That development, which will include a very much taller residential building than either of the towers proposed here – in fact, the tallest residential building in London – will have impacts not only on views of and from several conservation areas but also on the World Heritage Site at Westminster. The Secretary of State has judged those impacts to be acceptable, leaving only the issue of affordable housing for further consideration. The 'minded to grant' letter is important. It shows that the First Secretary of State wants to do what he can not only to push forward the urban renaissance in London, supporting contemporary architecture of high quality, accepting the principle that tall buildings may be developed on riverside sites and in locations where there will be consequences for the historic scene, but also to see such schemes bring forward substantial quantities of new housing, and affordable housing. The letter displays a sensible and robust approach to issues in Vauxhall that arise also at Lots Road.

Precedent

6.9 Whenever schemes come forward in which tall and very tall buildings are proposed, a judgment on the intrinsic worth of each such scheme will have to be made. That is what should happen here – and it would have to happen with any other proposal for a tall building in London, whether on the riverside or elsewhere. This is the answer to those who complain that an unfortunate or unacceptable precedent would be set if the proposals are approved. There is hardly ever any force in such an objection. Each application for planning permission has to be considered on its own merits, having regard to the relevant provisions of policy and all other material considerations. If the scheme is a good one, it ought to be approved. If it sets a good example, that is a benefit. It can hardly be good in itself and set a bad precedent.

Decision on the proposals

6.10 Two applications have been necessary because the site on which the development would take place straddles the boundary between two administrative areas. However, it is not open to the First Secretary of State to grant planning permission on one of the applications before him and to refuse it on the other. To do so would not be consistent with the way in which the scheme has been conceived and the way in which it has been presented to the inquiry. In any event, the law does not allow the First Secretary of State to grant planning permission for EIA development (as defined by the 1999 Regulations) where he has no relevant and competent environmental statement (ES) before him. In this case a single, comprehensive ES has been prepared for the whole scheme. There is no ES relating only to the RBKC or LBHF components of the overall scheme.

6.11 Thus, the applications stand or fall together – for two reasons. Firstly, it bears upon the approach to be taken in deciding the fate of the proposals, in particular the approach to be taken to the interpretation and application of relevant policy. Secondly, the indivisibility

[A] Document A/13(2).

of the scheme has a particular relevance in relation to the 'fall-back' option, available by virtue of the 1986 planning permission for the Chelsea Harbour development.[A]

Support for and opposition to the proposals

6.12 English Heritage (EH) has written four times to support the proposals.[B] It is plain that support is founded on the joint EH/CABE 'Guidance on Tall Buildings',[C] which enabled it to welcome the principle of two high quality tall buildings as well as the conversion of the power station. It took into account views of the power station from Battersea Bridge, Albert Bridge and Chelsea Bridge, its landmark position on a bend in the river, views from Brompton Cemetery and its relationship to Chelsea Harbour, the World's End towers and the Montevetro building.

6.13 CABE has also written four times in support of the scheme,[D] offering 'general support and enthusiasm' for the scheme and endorsing its 'central propositions'. CABE's support is significant, as is evident from the 'minded to grant' letter on Vauxhall Tower.[E] In that case EH was objecting to the proposals; in this case it is supporting them.

6.14 The GLA has appeared at the inquiry to urge that the proposals be approved. It has consistently supported the scheme and acknowledges the strategic planning benefits it would produce in terms of regeneration and housing provision. The GLA's support, against the framework of the London Plan, is notable when the two local planning authorities have been unable to agree on the merits of the proposals and when their metropolitan significance is recognised.

6.15 Transport for London (TfL), as strategic authority for transport in London, is satisfied that the intended works will enhance the local transport infrastructure and will make the development acceptable in its implications for highway capacity and safety and for the functioning of public transport services in the locality of the site. Indeed, TfL acknowledges the benefits of the proposal for sustainable transport. Its position is recorded in the Transport Statement of Common Ground.[F]

6.16 Against this strategic consensus of support, RBKC's objections at the inquiry have borne only a tangential relationship to its single reason for refusal of planning permission. There is no reference in the reason for refusal to the London Plan, to the Thames Strategy or to its own development brief for the site. There is no reference to harm to views of the power station – or to harm to the character of the Thames. The case has also roamed far and wide geographically – including, and despite LB Wandsworth offering no objection, to views from the south bank of the river. Also, one should not forget that the officers of RBKC supported the scheme and the members, having apparently chosen not to give evidence themselves, decided to introduce Mr McCoy as their witness. He, however, with commendable candour, offered a stream of concessions in the course of his cross-examination, some referred to below, which served wholly to undermine RBKC's reliance on the policies of its own UDP, CD6 and CD37 in particular. However broadly expressed the reason for refusal and however slender its connection with the resolution of

[A] Document CD13.
[B] Documents A/AS/A (Appendices 7-9) and G/7.
[C] Document CD151.
[D] Documents A/AS/A (Appendices 4-6) and G/7.
[E] Document A/13(2) – paras. 11, 21 and 52.
[F] Document CD12.

members (which referred simply to UDP Policies CD6 and CD37), there is no licence for the adventurous case that has been deployed.

6.17 The third party objections put forward during the inquiry, and in writing, do not justify a rejection of Circadian's proposals and the benefits they would bring. A basic fallacy – often apparent in cases in which the principal issue, or one of them, concerns the design of development – is that such matters are 'issues of personal opinion'. They are not. They are – or ought to be – issues of objective judgment, governed by the principles of good design stated in established policy and guidance. The decision should not depend on the personal preferences of the particular decision-maker, who should reject the proposals only if, judged by the relevant criteria in policy and guidance, they are found to be offensive to the public interest.

6.18 Indeed, this is one of the main reasons why bodies such as EH and CABE have been created. They are not self-appointed arbiters of good design. They have been given responsibility for providing informed and dependable judgments on matters of design, and to do so in the public interest. The First Secretary of State should be loathe to reject their advice. RBKC and others who have criticized the proposed design, whilst they have persisted bravely in their claim that the proposed towers are too big, have not succeeded in transforming subjective opinion into compelling objection.

General approach to determination

6.19 The two applications for planning permission have to be determined in accordance with the statutory development plan unless material considerations indicate otherwise (by virtue of section 38 of the Planning and Compensation Act 2004).

6.20 The principal contentious issues between the opposing parties in this case have had to do with matters relating to design, the intensity of the development proposed and the adequacy and suitability of the infrastructure and facilities upon which it would rely. One can start by asking the simple and obvious question: 'Is there any good reason why permission for these proposals should not be granted?' That question leads to another two: 'Is there any reason relating to the visual or physical impacts of this development that tells decisively in the public interest against its being approved?' and 'If not, is there any overriding reason in policy terms why planning permissions should not be issued?'

6.21 Put simply, therefore, the crucial question is this: 'If the development would be acceptable in visual terms and if, taking into account the improvements to local infrastructure and facilities secured in the section 106 obligations, the impact of the development would in those respects be sustainable, why should policy stand against it? There is no good reason why it should.

The development plan

6.22 The development plan in this case comprises the London Plan and the RBKC and LBHF UDPs. The provisions of the two UDPs, certainly as they relate to proposals for tall buildings, are very different and, plainly, in a degree of tension with each other. LBHF Policy EN9 requires judgment to be applied to any proposal for a tall building on the part of the site lying within its area. RBKC maintains that its Policy CD6 prohibits the development of tall buildings. However, that stark contention needs now to be seen in the light of the concessions given by RBKC's witness when asked about the provenance of that policy – concessions undermining RBKC's reliance on the policy and, thus, the entire basis of its opposition to the proposed development.

6.23 Overlying both authorities' policies for tall building proposals are the strategic policies in chapter 4B of the London Plan, which call for a sensible application of objective judgment to such proposals. There is no warrant in them for any embargo or moratorium on tall buildings, either generally or in any specified part of the metropolis.

6.24 The Courts have made clear that the approach to decision making does not involve a mechanistic assessment as to whether the proposal accords with each relevant policy.[A] The London Plan, published only in February 2004, is the most recently approved element of the development plan as well as being the source of the overarching strategic policies applicable in this case. Section 38(5) of the Planning and Compensation Act 2004 allows that, in the event of conflict arising between the provisions of the different elements of the development plan, it is those of the London Plan that take precedence.

6.25 Moreover, where the site and proposal are of metropolitan significance, as here, and where distinct differences of approach are apparent between the two UDPs concerned and between the RBKC UDP and the London Plan, the supervening strategy of the London Plan should be regarded as the governing strand of policy.

The 'fall-back' position

6.26 The law relating to the relevance of a developer's fall-back position to a development control decision is now settled and clear. If there is a reasonable – or realistic – prospect of a development for which planning permission already exists being carried into effect in the event that the proposal before the decision-maker is rejected, and that fall-back position is relied upon by the developer, then the test of materiality is passed; the weight to be given to the fall-back position is then a matter for the decision-maker.

6.27 There is no dispute that Circadian has available to it the benefit of the 1986 planning permission, which would enable it to complete the Chelsea Harbour development by building out the second and final phase of that scheme. What is contested is the materiality of that consent as a fall-back position. But the fall-back position is a real one, not merely a forensic strategem or threat. It represents the only certainty and security that Circadian would have should the present application and appeal be unsuccessful. Six factors merit comment.

6.28 First, the site to which these proposals relate has been waiting for a very long time to be regenerated. The present proposals are not an opportunistic reaction to the chance to make a level of profit through the development of the site that would make the effort worth it. They represent the culmination of a lengthy process of consultation, option-testing and evolution in design.

6.29 Secondly, whilst Circadian has not sought to base its case on any viability appraisal – an exercise that would probably have entailed the thankless task of striving to prove a negative by means of residual valuation – the fact remains that no developer can sensibly sustain the cost of holding a site such as this one indefinitely and without some degree of assurance as to when and how a worthwhile return can be realized. That is no more than a glimpse of the obvious. It does not need evidence to prove it. If Circadian chose to hold on to the RBKC site, rather than selling it to somebody else, it might very well be prudent to take the value that can be realized on the LBHF site, rather than proceeding with a comprehensive development of the whole site.

[A] See R v Camden London Borough Council an Others ex parte Laura Cummins & Others [2001] EWHC Admin 1116 at para. 161 – setting out what Sullivan J said in R v Rochdale MBC ex parte Milne (unreported).

6.30 Thirdly, even accepting that some other form of development than that proposed would be viable, the First Secretary of State has before him only one scheme – and evidence only in relation to that one scheme. He is not in a position to make any comparison between that scheme and any other. Nor should he speculate about the merits, or comparative merits, of other proposals, which, in different circumstances, might have been put in front of him. Venturing down the path of conjecture is not open to the First Secretary of State. His task is simply to adjudicate on the present proposals.

6.31 Fourthly, the fall-back permission was granted nearly 20 years ago, since when there have been many changes in policy. Those changes affect the cost of developing sites such as this. Among them are the policies at national and strategic level, not in force in 1986, relating to the provision of affordable housing in private residential developments. In London, these policies are being enforced with increasing resolve and frequently lead to levels of affordable housing at or close to half of the total number of dwellings or habitable rooms in the development.

6.32 Fifthly, Circadian is faced with a situation in which RBKC seems resolute in resisting either part of the site – not only the RBKC site but also the LBHF site – being developed with buildings materially higher than those apparently allowed for by UDP Policy CD6. RBKC seemingly cannot be relied upon to support – or to withhold their objection to – any proposals that could be regarded as infringing that restriction. And this notwithstanding the fact that – as emerged in the course of Councillor Cunningham's cross-examination – in considering the development brief in July 1998, RBKC's Planning & Conservation Committee resolved that it should not 'preclude entirely the possibility of one tall narrow building as part of the development on this site'.[A] It follows that, if these proposals were to fail, and if Circadian were to come back with modified proposals showing a reduction of only a few storeys in the riverside buildings, it might very well find itself embroiled in yet another protracted planning conflict.

6.33 And sixthly, the attitude that would be taken by other parties and stakeholders to any revised proposals cannot be known. If Circadian came back with a modified version of the fall-back development on the LBHF site, one might reasonably expect both LBHF and the GLA to look for a substantial proportion of that development to be in the form of affordable housing. On the other hand, if Circadian were to leave the fall-back development as it is and make a further application only for RBKC site, it is possible – indeed probable – that the GLA would seek a very high proportion of affordable housing within that development, no matter whether it retained the power station building or not, in order to compensate for the absence of such provision on the LBHF site. Either way, even for a developer as experienced and conscientious as Circadian, the prospect is hardly appealing. Nor can the position of CABE, English Heritage and other parties be confidently predicted.

6.34 The First Secretary of State is not invited to come to any definite conclusion about what would or would not happen if he rejected these proposals. He cannot reasonably do so. Nor does he have to. He can be sure, however, that there is at least a reasonable prospect of Circadian choosing to proceed with phase 2 of the Chelsea Harbour development.

6.35 Attractive though it might be to imagine that some sort of compromise between the opposing parties might emerge if the present proposals were rejected, there is, in truth, no sign of that being accomplished. As has become abundantly apparent in the course of

[A] Document CD206A – para. A.10 of the minutes.

this inquiry, the main protagonists are a very long way apart. Circadian and those who support its proposals are completely satisfied that the proposals are exemplary, the very best in contemporary design, by one of the foremost British architects of the day. Most of those who oppose the development, whilst for the most part they have not criticized the intrinsic quality of Sir Terry Farrell's design, seem implacably opposed in principle to tall buildings of the heights proposed, or of anything approaching those heights. That said, the proposals are not presented on the basis that no other scheme would be viable, or on the basis that no other scheme might be more profitable. They are put forward as a project of sustainable regeneration for this important site, hostile to no interest of public importance and holding in prospect a range of planning benefits.

6.36 Substantial weight may be given to the six factors above. If the proposed tall buildings were thought to be too high, and if there were thought to be a possibility of amended proposals coming forward in answer to that criticism, it should be borne in mind that the consensus of strategic support might be lost, that the opponents of the proposals have no agreed or reliable view to express as to an acceptable limit on the height of buildings on the site and that RBKC, whilst relying on UDP Policy CD6, also have an extant resolution not ruling out a 'tower' but not defining an acceptable height for it. Of course, if the present scheme were thought fundamentally misconceived, then it should be rejected, no matter what the conclusion on the fall-back position.

The benefits and advantages of the proposals

6.37 There seems to be little dispute, if any, that the proposals promise considerable planning benefits. If the proposals are found to be fundamentally flawed, they should be rejected, no matter what benefits would thus be turned away. If, however, the arguments against the design of the proposals have some force in them, the merits of the scheme in terms of sustainable urban regeneration and the provision of housing and affordable housing should be weighed in the balance against those arguments.

Mixed-use development and sustainability

6.38 The various benefits of mixed-use development are acknowledged in PPS1. Higher density mixed-use development promotes more efficient use of land, leading to more sustainable patterns of development and creating more vibrant places in which to live and work. They are the cornerstone of accommodating growth through the delivery of sustainable development. And PPS1 makes plain that sustainable development is the core principle underpinning planning.[A]

6.39 This development would yield a mix of uses on the site: residential, employment, leisure, shops, restaurants, community and health facilities. All of these would add to the vitality and diversity of this part of Chelsea. In its re-use of previously developed urban land will be sustainability *par excellence*. The optimal use of the site demands a density of development as high as is compatible with its location. The development will achieve that. The proposed conversion to new uses of the power station building will serve to retain and maintain the only element of the existing development on the site that is worth keeping. They will conserve such historic value as the site possesses, even though it is not of such value as to have statutory protection.

[A] Document CD120 (PPS1) – para. 3 and para. 27(ii), (vii) and (viii).

Housing and affordable housing

6.40 The development would bring forward 802 new dwellings, of which 47% (378) would be affordable housing. The quantities and mix are agreed by the principal parties.[A] The density of the development will be suitably high. There are very few sites as close to the heart of the metropolis as this one that would be able to produce so substantial an increase in London's housing stock.

Townscape and riverscape

6.41 CABE and EH have recognized, in effect, that the scheme complies with government policy for good design.[B] The proposals for both the new buildings and the conversion of the power station are of high architectural quality. They would complement the Chelsea Harbour and Imperial Wharf developments and sit comfortably with other components of the local townscape, including the historic frontage of the Chelsea Embankment. The development has been conceived in accordance with sound principles of urban design. It would help to create a new urban quarter. It would serve to integrate the several pieces and faces of regenerative development that have taken place over the last 20 years or so on this stretch of the riverside and its hinterland. Whether it is right to regard this final phase of the regeneration of this part of West London as being a catalyst or merely as completing the urban renaissance in this part of Chelsea, it would hardly deter further investment in the area in the future. It would be bound to reinforce confidence in the local communities and establish in this area a strong sense of place.

Social and community benefits

6.42 The new urban quarter, perhaps unlike the development at Chelsea Harbour, would be socially inclusive. It would provide a balanced mixture of private and affordable housing, including accommodation for 'key workers' and it would have shops, premises suitable for small businesses, publicly accessible open space and community facilities open to all. This would not be an enclave of very expensive flats. Provision is made within the converted power station for space for a community facility, which in the first instance will be offered to the Ashburnham Community Association. Provision is also made for a doctors' surgery in the power station, with a temporary facility initially provided in LBHF.[C]

6.43 In place of an expanse of land that currently lacks beneficial use and is shut off from public access, the proposals would invite the public in; they would create open spaces that the public would be encouraged and attracted to use; and they would provide variety and vitality in the uses that would come to the converted building. Access to the riverside, by way of a number of new routes for pedestrians, would be greatly enhanced.

Environmental benefits

6.44 Regeneration of the site would involve much by way of improvement to the quality and appearance of the local environment. The site itself would no longer be derelict and depressing in appearance, detracting from the general image of this part of Chelsea. The buildings would look good. So would the public spaces. The proposed improvements to Chelsea Creek would bring ecological gains. Biodiversity would be increased.

[A] Document CD11 – para. 7.2.
[B] Document CD120 (PPS1) – paras. 33-39; also Documents CD146 and CD151.
[C] Document A/16 – clauses 38 and 41 of the obligation with RBKC and clause 44 of the obligation with LBHF.

Transportation

6.45 The measures proposed for the improvement of public transport infrastructure would be enjoyed not only by residents of the new homes on the site and workers in the new jobs but also by the wider community as a whole.

Advantages of these proposals by comparison with the fall-back development

6.46 The credentials of Circadian's scheme as a project of sustainable regeneration are manifest. They clearly go far beyond those of the fall-back development.[A] That is no accident. It is the consequence of Circadian's proposals having come forward in a different era of planning and a different era of design. As a result, the planning benefits Circadian is committed to deliver on implementation of the proposals are also advantages. For that reason they should carry added weight in the planning balance.

Call-in issue (c) – PPG3

Government policy

6.47 The government's advice in PPG3 has been supplemented by publication of further policy documents, in particular an annex on affordable housing.[B] The prevailing theme of this part of government policy is that delivery of new housing should be maximized, consistent with the objective of maintaining the quality of the environment, and that, in particular, it should be maximized on previously developed land. Paragraph 3 of PPG3 states that one of the roles of the planning system is to ensure that new homes are provided in the right place and at the right time, whether through new development or through the conversion of existing buildings. The aim is to provide a choice of sites both suitable and available for the building of housing. There was no dispute between the main parties at the inquiry that this site is both available and suitable for such development. The UDPs of both LBHF and RBKC promote such development on the site. Neither authority has sought to dispute the principle of residential use being the dominant constituent of the proposed mix of uses. The GLA, too, has supported this.

6.48 None of this is surprising. Policy 4B.3 of the London Plan,[C] under the heading 'Maximising the potential of sites', requires development proposals to achieve the highest possible intensity of use compatible with local context, the design principles in Policy 4B.1 and public transport capacity. It is indicated that the Mayor will refuse permission for strategic referrals that, taking into account the context and potential transport capacity, under-use the potential of a site.

6.49 The LBHF UDP is consistent with the objectives of Policy 4B.3. Policy G5[D] requires that the quantity of the borough's housing stock be increased and its quality improved, ensuring a choice of accommodation, including accommodation for those on low incomes. The strategic targets in the UDP have been superseded by the London Plan, which indicates a requirement in LBHF for 8,040 additional homes in the period 1997-2016.[E] The provision of 382 dwellings on the LBHF site would make a significant contribution to the meeting of that target.

[A] Document A/AS/P – para. 6.10 identifies eight disadvantages for the fall-back scheme by comparison with the inquiry proposals.
[B] Documents CD124 and CD125.
[C] Document CD174 – p.176.
[D] Document CD222 – p19.
[E] Document CD174 – Table 3A.1 on p.56.

6.50 The proposal is also consistent with the RBKC UDP which, as with the LBHF UDP, must now be applied in the light of the strategic policies in the London Plan. Policies H12 and H15[A] are the policies of principle relevance and it has been no part of RBKC's case that there is any conflict with either.

6.51 Policy H15 requires a substantial proportion of housing to be provided on Major Development Sites, including this one. It needs now to be applied in the light of the strategic housing target in the London plan – 10,800 for the period 1997-2016.[B] The proposed development will contribute 420 new dwellings on the RBKC site, a significant contribution to the meeting of the strategic targets. One may conclude, therefore, that the proposal is consistent with RBKC UDP Policies H2 and H3.[C]

Density

6.52 Different approaches have been taken in calculating the density of the proposed development.[D] For the purposes of Circadian's case, it matters not which approach is adopted. On either of the two main approaches, it can be concluded that the density proposed is appropriate to the site and its context. It is common ground between the main parties that the overall density of the scheme is 223 units per hectare (u/ha) if the creek is excluded, 175u/ha if it is included. It is agreed by Circadian and the Mayor that the overall number of habitable rooms per hectare (hr/ha) for the whole site, including the creek, is 559.

6.53 PPG3[E] stresses the importance of avoiding the inefficient use of land. It mentions the fact that historic rates of land take have been very high, and unsustainable. This provides a context, at the level of national policy, for considering the appropriateness of the density of development proposed in a particular scheme.

6.54 Circadian's intention is to provide a high density design of development with a view to achieving the efficient and sustainable use of the site. There can be no sensible dispute that this aim has been achieved. Such dispute as there has been relates partly to the methodology of the calculations and partly to the consequences of adopting one methodology or another for the purposes of fitting the scheme into the density matrix in the London Plan.[F] But it is necessary to stand back from those issues and ask to what degree they bear on the acceptability of the proposal in terms of its size and its impacts on local infrastructure. In the light of Circadian's evidence, the conclusion ought to be that the density of development proposed is compatible with the location and setting of the site, no matter whether its proper definition for the purposes of Table 4B.1 is as a central or an urban site. Practicalities carry more weight here than definitions. CHRA concentrates on methodology and mathematics. Ultimately, however, that is of secondary significance as providing helpful, though not determinative, guidance on the issue of alleged overdevelopment.

6.55 Put simply, the question of real significance 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. If the answer to

A Document CD199 – p.113 and p.115.
B Document CD174 – Table 3A.1 on p.56.
C Document CD199 – pp.108/109.
D Document CD12 – pp.32/33 and Appendix 4.
E Document CD124 – paras. 57/58; see also Document A/AS/P – p.10.22-24.
F Document CD174 – Table 4B.1 on p.177.

that question is 'no', then it cannot reasonably be concluded that the density of the proposed development is too high. Conversely, if the development would not be sustainable, because it would impose demonstrable stress on local infrastructure, or for any other reason, the fact that the density of the development would be 'x' rather than 'y' would be immaterial. In this case, the practical tests of strategic policy are met.[A]

6.56 LBHF concludes that the proposal accords with London Plan Policy, UDP Policy HO7 and national guidance. RBKC seems to take the view that, if the density of the development would not result in any practical harm such as to justify refusal of planning permission, it could not, of itself, provide a tenable reason for refusal.[B] And no mention is made of UDP Policy H12 in RBKC's reason for refusal. In the circumstances, not only is it acceptable to develop the site in the manner proposed, it is actually necessary to do so if the imperatives of PPG3 and the London Plan are to be satisfied.

Public transport accessibility level (PTAL)

6.57 The site's PTAL index is given in the Statement of Common Ground as between 14.63 and 15.17, equating to a PTAL from a high 3 to a low 4.[C] Mr Walker's calculation for Circadian[D] is that the package of public transport improvements (the SITS) would increase the PTAL to 4 on the standard calculation methodology. Whichever approach is taken, the proposals, including the SITS package, would result in an appropriate level of public transport accessibility for this high density scheme.

6.58 The essential point to grasp is that the PTAL methodology is a guide to inform an assessment of a site's public transport accessibility – it is not a tool to be applied mechanistically. There are a number of weaknesses with the methodology. In particular, the evidence is that local underground stations and bus services which are excluded under the standard PTAL methodology are, in fact, used – and would be used by residents of the proposed scheme. These services should not be ignored when considering the accessibility of the site.

Sustainable communities

6.59 The proposed development will contribute to the improvement of housing choice in this part of central London, in accordance with national and strategic policy.[E] In other words, in qualitative terms, as well as in the mere increase in the local housing stock, the development will be successful and beneficial. It would advance the objectives of London Plan policy for improving housing choice[F] and the housing mix would satisfy both LBHF UDP Policy HO6[G] and RBKC Policies H18, H19 and H21.[H]

A Document CD174 – Policy 4B.3 on p.176 – addressed in Document A/AS/P at paras. 9.4.8-11.

B Document CD19 – para. 7.6.1 in particular.

C Document CD12 – calculated in accordance with Document CD291.

D Document A/HW/P – paras. 2.33-50 – analysis of PTAL in the context of strategic and local policy.

E Document CD124 (PPG3) – para. 10.
Document A/AS/P at paras. 10.5-6 and Document A/AS/A at Appendix 10.
Document CD11 – Appendix 2 tabulates the mix of dwelling types in the two parts of the scheme.

F Document CD174 – Policy 3A.4 on p.58.

G Document CD222 – p.206 – addressed in Document A/AS/P, pp.34-35, with reference to Document CD35 – see also Documents CD232 and CD232a..

H Document CD199 – pp.116-118 – addressed in Document A/AS/P, pp.76-77 – see also Document CD213.

Affordable housing

6.60 It is hardly necessary to say that the government sets great store by the provision within a large residential development scheme of an ample amount and appropriate mix of affordable housing. The affordable housing yield of a major development must appropriately be related to an up-to-date assessment of local housing needs.[A] In this case, Circadian's proposal for affordable housing represents the outcome of discussion and negotiations with RBKC, LBHF and the GLA, all of whom confirm that there is no issue to be resolved. Thus, there should be no need to revert to Circadian to seek a revised mix of affordable housing. If, however, the First Secretary of State were to take a different view, he is invited, consistent with his approach in the Vauxhall Tower case, to come back to Circadian before issuing his final decision.

6.61 Strategic policy, and the text explaining it, indicate a flexible approach to the provision of affordable housing, having regard to the overall 50% target across London.[B] Circadian's approach has been consistent with the principle of negotiating the 'maximum reasonable amount of affordable housing',[C] as acknowledged in the GLA officer's report.[D] On the LBHF site, 213 of 382 dwellings (56%) will be affordable; on the RBKC site, 165 of 420 dwellings (39.3%) will be affordable.[E] These are significant proportions of affordable housing, close to the 50% London-wide target, which is a target relating to all sources of provision, not merely to new development. They are also consistent with LBHF UDP Policy HO5 and RBKC UDP Policy H23.[F]

6.62 It can be concluded that the proposed development is consistent with all relevant strands of policy relating to affordable housing – at national, strategic and local levels. Though shortly expressed, this conclusion is highly significant in the overall planning balance. In the absence of any cogent or constructive criticism of the design of the development by those who oppose it, the First Secretary of State should not spurn the very substantial contribution which this scheme could and would make to enhancing the provision of housing for those who cannot afford to buy it. The proposal is bound by the provisions of the section 106 obligations, which ensure that the affordable housing would come forward at the appropriate time in each phase of the development, and in the specified quantities and mix.

Conclusion on call-in issue (c)

6.63 The proposed development is consistent with government policy as expressed in PPG3 – and consistent, too, with development plan policy seeking to give effect to the principles of national guidance. The main themes of PPG3 relate to the maximisation of the delivery of housing on previously developed land and the mix of housing and affordable housing – but full account has been taken of other aspects of the guidance.[G] In all respects, as well as in relation to the main themes, Circadian's proposal accords with PPG3. Not least among its attributes is its compliance with the principle of 'Designing for Quality' and, in particular, the encouragement given to authorities and developers

---

A Document A/13(2) – para. 42 emphasises this.
B Document CD174 – Policies 3A.1-3A.5 (pp.54-60) deal with housing provision generally, Policies 3A.6-3A.8 (pp.60-66) with affordable housing – see Document A/AS/P (paras. 9.2.1-16) for Circadian's analysis.
C Document CD174 – the wording used in Policy 3A.8.
D Document CD189 – paras. 14 and 19.
E Document CD11 – Appendix 2.
F Document A/AS/P has Circadian's analysis – paras. 8.3.2-7 and 8.3.11 for LBHF, paras. 16.2.10-19 for RBKC.
G Document A/AS/P – paras. 47, 52 and 54.

alike to 'think imaginatively about designs and layout which make more efficient use of land without compromising the quality of the environment'.[A]

Call-in issues (f) and (g) – PPS1 and PPG15

General submissions

6.64 There has been no dispute about the need for the highest quality of design in any scheme of regeneration for this site. Nor has there been any fundamental criticism of the architectural aspects of the design. Such criticisms as there have been relate essentially to the decision to promote strikingly bold contemporary architecture in this location. So, the essential issue to consider is whether this is good architecture, but in the wrong place.

6.65 In relation to that concept, it is worth recalling the words of the Inspector who considered the Montevetro proposals at a public inquiry in mid-1995. He said this: 'In short, whilst there is an appreciation by objectors of the skills of an internationally famous architect and therefore of the quality of the design, the proposal is seen by them as a good building on the wrong site'.[B] The difficulty with the concept of good architecture in the wrong place – or 'wrong buildings at this place, however august the architect'[C] – is twofold: firstly, it can be seen as an excuse for taking an excessively historicist approach and, secondly, it tends to ignore the scope for good design to overcome or avoid deleterious impacts on the local scene and the historic environment.

6.66 One does not need to be a Londoner, or even a regular visitor to the capital, to be aware that a familiar and essential dynamic in the townscape of the city is the juxtaposition of old and new, historic fabric and buildings of vigorously contemporary design. Such contrasts abound. London is the better for them. Indeed, London would not be London without them.

Design – (i) evolution

6.67 The scheme as it now stands has evolved through a series of layouts and arrangements of structure.[D] Sir Terry Farrell has worked on proposals for this site since 1996, nine years ago. Different ideas have been tested by his practice over that period.[E] Sir Terry himself has been actively involved at all stages of the progression of the design. This is not a case in which a 'trophy' architect has been brought in at a late stage in order to confer credibility on somebody else's work.

6.68 The retention of the power station building was not regarded as a constraint limiting the means of achieving a satisfactory regeneration of the site.[F] This is not to say that only by retaining the power station can a satisfactory development be achieved. However, it is a virtue of the present scheme that a high density development can be delivered without sacrificing that building and, indeed, with the benefit of converting it to new beneficial uses. From the beginning, the site was seen as presenting an unusual, if not unique, opportunity to create a development that would provide a focus and coherent river frontage for an area currently lacking those attributes, as well as a new urban quarter with

---

A Document CD124 – para. 54.
B Document CD279 – para. 96.
C Document KC/3 – para. 21, repeated at para. 9.8 below.
D Document A/TF/P/2 includes aspects of the evolution.
E Document A/TF/P – section 2.
F Document A/TF/P – para. 2.3.3.

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

Design – (ii) the master plan

6.69 The design of the proposal has progressed by reference to other developments in which Sir Terry has been involved.[C] The process of refining and perfecting the master plan for the development will not come to an end when the First Secretary of State grants his approval for it, if he does. It will continue thereafter. However, the scheme has now reached a sufficient degree of maturity for it to be made the subject of these applications. Permissions granted on these applications can and should be made the subject of conditions that will allow the refinement of the scheme to go on.

6.70 The dynamics of the layout were demonstrated in the course of Sir Terry's Farrell's PowerPoint presentation.[D] Some images are of particular note – the relationship of the different uses within the scheme to each other, and the composition of the scheme in its context on either side of the river (and its relationship to other tall buildings in the vicinity – the Belvedere Tower and the World's End estate on the north bank, Montevetro on the south bank with the Somerset Estate beside it), the geometry of the towers in their relationship to the power station chimneys and the 'dance', illustrated and compared with the sculptures of Lyn Chadwick.

Design – (iii) the residential towers

6.71 A number of images depict the kinetic qualities of the composition, in particular the proportions and placement of the two towers. They have the potential to act as visual markers of the new urban quarter and to play a role in establishing its identity in its relationship to the River Thames.[E] They will have the same shape, plan size, form and structure.[F] The materials and façade treatment will also be the same. The RBKC tower (KC1) will be 86.65m high (25 storeys); the LBHF tower (HF1) 123.5m (37 storeys). They will not be the tallest residential buildings in London, or on the Thames – the Vauxhall Tower will be 180m tall with 48 floors of residential accommodation above a lobby and mezzanine.[G]

6.72 Some of the criticism of the towers that has been advanced in the case of RBKC has had to do with the allegation that in their wider dimension the Towers would appear less than elegant. In truth, they will be elegant in appearance, even where the slenderness of their narrower elevations is not immediately apparent. Moreover, it will be the changing views as one moves around the area that will not only add interest to the appearance of the towers but also contribute to the dynamic visual relationship between the towers themselves and between them and the power station building.[H]

A Document A/TF/P – section 2.2; and Document A/TF/A/1 – Appendix A.
B Document A/TF/P – paras. 2.3.1-2.3.5.
C Document A/TF/P – section 4.
D Document A/TF/P/2 – with particular reference to pp. 38, 89, 117-119 and 120.
E Document A/TF/P – section 3.7.
F Document CD11 – para. 4.5.
G Document A/TF/P/2 – p.90 has a comparison with some other tall buildings in London
H Document A/TF/P – as described in para. 3.7.3.

Design – (iv) the low-rise buildings

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

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

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

Design – (vi) improvements to Chelsea Creek

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

Design – (vii) sunlight and daylight

6.76 Considerable attention has been given to sunlight and daylight in the evolution of the design. No objections are raised by either RBKC or LBHF, both of whom employed consultants to assess the original ES. While RBKC objects to the towers, its reason for refusal does not allege any undue impact in terms of sunlight, daylight or overshadowing. The updated ES contains a thorough assessment of the proposals.[B]

6.77 Their UDPs make plain that RBKC and LBHF will both have regard to the Building Research Establishment (BRE) Guide.[C] RBKC notes[D] that it will not be looking to see whether development proposals meet any particular minimum or maximum objective standard. That recognises, as the BRE guide itself does, that the guidance provided is not planning policy and does not advance the mechanistic application of any particular mathematical standard.

6.78 The evidence the scheme itself is that, but for some 83 rooms affecting 10% of the flats created in the converted power station, all the proposed residential units would enjoy daylight levels in excess of those suggested in the BRE Guide. Those rooms below the BRE standard will nevertheless be adequately lit. The balance of advantage in retaining the façade and converting the power station plainly demands a degree of compromise in terms of the amount of sunlight and daylight and no-one suggests that consent should be withheld on this account.

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

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

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

[D] Document CD199 – para. 13.2.5.

6.79 The issue raised by objectors relates to the impact of the proposal on daylight and sunlight levels in adjacent buildings. There are limited instances where compliance with the BRE Guide would not be achieved, caused not by the towers but by the otherwise uncontroversial mid-rise buildings. Circadian has considered both the vertical sky component (VSC) and average daylight factor (ADF) methods of calculating daylight. Of the 676 windows tested, 117 out of 676 would fail the VSC test[A] but only 9 would fail the ADF test,[B] thus demonstrating that the quality of the remaining light would not be unacceptable. CHRA seems to suggest that Mr Ingram states clearly in his evidence that, where a window falls below the level of the BRE guidelines, it suffers at least a 20% loss in daylight and that such a loss would be material and noticeable. That is not a fair reflection of the evidence.[C] Mr Ingram considered that, in eight of the nine rooms where the ADF factors were below the standards, the effect would be 'marginal' and would not give rise to any material reduction that would be sensitive to the human eye.

6.80 To consider the VSC results alone is not to consider the full picture. The VSC test takes no account of the size of the window or the quality of light received in a room. These factors are measured in the ADF test,[D] which is the appropriate methodology to apply.[E] The nine windows that would fail the ADF test, in different units of accommodation and out of a total 676 windows, are all located in Chelsea Harbour.[F] The reductions in eight rooms would be no more than 0.2% below the ADF[G] value and would not be material or discernable to the human eye. Set in the overall context of the number of windows tested, these reductions are not significant. Set in context of the fallback permitted scheme again there would be no undue impact. The inquiry scheme cannot be said to cause undue loss of daylight to the residents of Chelsea Harbour.

6.81 In terms of overshadowing, the analysis[H] demonstrates that additional overshadowing would be transient in nature. In particular, the location of the two towers serves to minimise overshadowing of existing buildings. In the summer, Chelsea Harbour would not be affected at all; and, after 0925, no other existing properties would be affected until about 1900, when there would be some shadow on the south bank for a limited period. Even in winter, when the sun is lower and already casting shadows beyond the site by 1400, the shadows from the development would be clear of existing buildings. Whilst there may be some added shadow in winter, this already occurs.

6.82 The exercise demonstrates how much careful consideration has gone into the layout and how well the development would fit into the existing urban environment.

6.83 On sunlight, 217 out of the 270 windows in surrounding properties which it was relevant to consider would retain levels of sunlight which meet the BRE guidelines. Properties at nos. 60-88 Lots Road – opposite the main entrance into the former Power station where the KC2A building would be located – would enjoy sunlight levels only just below standard. Again, this is not caused by the towers but the uncontroversial KC2A building.

A Document A/GI/P – Table 4.1 on p.17.
B Document A/GI/P – para. 4.3.5.8 on p.18.
C Document A/GI/P – see in particular paras. 2.21, 2.27 and 4.3.5.9 (pp.11/12/18).
D Document A/GI/A2; see also Document A/GI/P at para. 2.9.1.3 on p.6.
E Document A/GI/A2 – the conclusion is derived from the various appeal decisions in Appendix K14; summaries are in Document A/GI/A1, Appendix 12.
F Document A/GI/P – para. 4.3.5.8.
G Meaning, for example, 1.8% where 2% would be an acceptable level – see Document A/GI/P at paras. 4.3.5.8 for the projected levels and para. 4.3.5.9 for the generally acceptable levels.
H Document A/GI/A1 – Appendix K6; also Document A/GI/CD.

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

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

Involvement of CABE and EH

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

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

6.86 PPS1 has largely reproduced and reaffirmed the guidance in PPG1 on good design. The 'minded to grant' letter in the Vauxhall Tower case suggests, however, that the First Secretary of State attaches great significance to the role of good design in delivering sustainable communities. While the principles remain largely the same, the emphasis on them has, if anything, increased. The proposed development is compliant with all of the objectives set out in PPS1. The document also refers to the good practice set out in various government publications, including 'By Design – Urban Design in the Planning System: Towards Better Practice'.[F]

6.87 The considerations that inform 'By Design' include character, continuity and enclosure, quality of the public realm, legibility, permeability, adaptability and diversity. All were addressed by Sir Terry Farrell[G] and Professor Tavernor[H] in their evidence, with the unchallenged conclusion that all were satisfied.

6.88 The EH/CABE guidance on tall buildings[I] is succinct and explicit. It contains criteria by which proposals may be judged. No assertion of conflict with it is to be found in RBKC's decision notice. It is significant that the authors of the guidance have endorsed

---

A Document A/GI/P – para. 4.3.13.1 on p.26.
B Document A/GI/A1 – Appendix K7.
C Document A/10.
D Document KC/3 – para. 22.
E Document CD206 – the brief contemplates both retention and demolition, with para. 2.27 preferring the latter.
F Document CD146.
G Document A/TF/P – section 6.4.
H Document A/RT/P – paras. 2.8 and 4.31-4.37.
I Document CD151.

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

6.89 In his 'minded to grant' letter in the Vauxhall Tower case, the First Secretary of State referred[A] to Professor Tavernor's evidence to the House of Commons Select Committee on Transport, Local Government and the Regions,[B] which he finds generally consistent with the EH/CABE guidance. And Professor Tavernor would not have lent his support either to the Vauxhall Tower proposal or to this one had he believed that either scheme was inconsistent with his evidence to the Parliamentary committee or inconsistent with the joint EH/CABE guidance. In relation to Professor Tavernor's evidence on 'clusters' of tall buildings in the context of the EH/CABE guidance, the significant point is not whether the proposed development would or would not form part of a cluster (a word that can mean different things to different people in different circumstances) but whether the proposal has been shown to be of the highest architectural quality in its own right and 'designed in full cognisance of (its) likely impact on (its) immediate surroundings and the wider environment'.[C]

6.90 The EH/CABE guidance urges a plan-led approach for proposals for tall buildings. In this case, as with the Vauxhall Tower, there is a plan-led approach insofar as the London Plan sets out a matrix of policy for considering tall buildings proposals. It is deliberately not that specific but, like the joint guidance itself, is criteria-based. Just as there was no difficulty in applying the policies of the London Plan to the Vauxhall Tower proposal, so there should be no difficulty here.[D]

6.91 In short, the development:[E]

(i) would relate well to its context in all respects, in particular to the other tall buildings in the vicinity (whether regarded as a cluster of buildings or merely an association in visual terms); its impact on the skyline would be striking and delightful, the more so because the two towers would accentuate one's visual experience of the power station building (rather than diffusing, obscuring, competing with, or emasculating it, to quote from the lexicon used by RBKC);

(ii) would conserve rather than damage or detract from the character and quality of the existing environment, including historic features and fabric;

(iii) would relate well to transport infrastructure;

(iv) would be of the highest architectural quality in terms of scale, form, massing, proportion and silhouette;

(v) would make a substantial positive contribution to both external and internal public spaces and facilities in the area;

(vi) would not adversely affect the local environment in terms of its micro-climate, by overshadowing, in terms of its appearance at night or in any other respect;

(vii) would considerably improve the permeability of the site and the wider area, enhancing the legibility of the local and wider townscape;

(viii) would provide a high quality environment for everybody who would use it; and

---

A Document A/13(2) – para. 13.

B Document A/RT/A – Appendix RT/1.

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

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

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

(ix) would be sustainable in the broadest sense.

Relationship to the London Plan

6.92 The London Plan sets the strategic framework for plan-making and development control at the local level in the metropolis. It is London's first strategic spatial policy document since the adoption of the Greater London Development Plan nearly three decades ago. It contains up-to-date and comprehensive strategic planning policy. There is much in it that bears on the matters embraced within call-in issues (f) and (g).[A] Policies 4B.8 and 4B.9 are of central relevance.

6.93 Closing submissions for RBKC went to great lengths to recapitulate an interpretation of Policy 4B.8 as neutral in its general attitude towards proposals for tall buildings. It will not bear such a construction. Submissions for the GLA gave a clear account of the way in which the policy is understood by the body that was its author and is now responsible for its application.

6.94 Policy 4B.8 extends a general welcome towards proposals for tall buildings that will either create attractive landmarks enhancing London's character or act as catalysts for regeneration, or both, provided that the proposals are acceptable in terms of design and the likely impact of the development on its surroundings. It is not necessary for every proposal for a tall building to contribute to the provision of a coherent location for economic clusters of related activities. This much is clear from the use of the words 'and/or' to link the cluster concept to that on acting as a catalyst for regeneration. In this instance, the development would create an attractive landmark, enhancing the character both of the immediately surrounding area and of this part of London more generally. The development would act as a catalyst for regeneration in a sense broader than mere physical redevelopment. The word catalyst is apt in this context – it connotes the idea of much needed (and, in this instance, long-awaited) regenerative change being accelerated. Here, the design is more than acceptable; it is brilliant. The impact on the surroundings of the site would be beneficial in the various respects referred to above and below, satisfying the criteria set out in Policies 4B.1, 4B.3 and 4B.9. Accordingly, the proposed development more than earns the welcome that is so clearly apparent in the first paragraph of Policy 4B.8.

6.95 The positive stance towards proposals for tall buildings is plain not only from the first paragraph of the policy but also from the second and third paragraphs. The second enjoins local planning authorities to take into account the reasons why the Mayor supports tall buildings when they are assessing planning applications referable to him. Here, the Mayor has supported the proposal and explained clearly why he does so. RBKC, in rejecting the proposal, must be able to show good reason for its dissent – but has failed to do so. The third makes it plain that, if local planning authorities are to oppose proposals for tall buildings, they must first have identified defined areas of specific character that could be sensitive to such proposals within their UDPs – and that identification must be underpinned by a clear explanation of the aspects of local character that could be affected and why. In this case, there is no restrictive policy at the local level with such an exercise behind it. The RBKC UDP does not substantiate the height

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

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

6.96 It is apparent in the supporting text to 4B.8 that the Mayor sees the merit of tall buildings not merely in an aesthetic sense but also because of the potential of such buildings to contribute to the creation of a sustainable world city, supporting the strategy of creating high levels of activity where public transport capacity is, or can be made, sufficiently good to justify it. Tall buildings have an essential contribution to make to the creation of a compact city.

6.97 In judging whether the proposed tall buildings would be landmarks, contributing both to regeneration and to the improvement of London's skyline, the decision-maker has available a comprehensive set of criteria in Policy 4B.9 of the London Plan. Though expressed in different language, they reflect the joint EH/CABE guidance. Just as the proposals comply with the criteria of the joint guidance, so too do they pass the tests that are effectively set for them in Policy 4B.9. Whilst there are matters of judgment inherent in them, the criteria of Policy 4B.9 are to a large degree cast in terms of matters that are objectively ascertainable rather than susceptible to subjective judgment. In terms of the criteria, the proposed development –

- does not offend any of the requirements of the View Protection Framework set out in Policy 4B.15 of the London Plan;
- would be suited to its wider context in terms of proportion and composition and in terms of its relationship to neighbouring development, streets, open spaces, the River Thames and Chelsea Creek;
- would be an attractive element in the city, not only when viewed from the river, its bridges, its embankments and its general environs, and the urban hinterland to its north, south and west, but also in contributing to an interesting skyline; it would add positively to the existing association of tall or relatively tall buildings within that skyline; it would provide a focus in various views from different angles; and it would create attractive landmarks whilst allowing the converted power station building to retain a worthy presence of its own in the local and wider scene;
- would use techniques of sustainable construction and resource management while the potential for renewable energy generation and recycling would not be compromised;
- would not have any materially adverse impact on micro-climate;[A]
- would be safe in terms of its own integrity and the safety of its occupiers; it would be acceptable in terms of aircraft, navigation and telecommunication networks; the Metropolitan Police are now satisfied that the development would be consistent with the principles of 'Secure by Design';[B] nor would there would be any adverse implications for the operation or safety of the heliport at Battersea;
- would not produce any undue stress on the capacity of the transport infrastructure in the local or wider area;[C] adequate, attractive, inclusive and safe pedestrian and public transport access would be secured;
- would create high quality open spaces, accessible to the public; opportunities to integrate those spaces with the existing riverside walk where it fronts neighbouring

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

[B] Document G/5.

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

development would be taken; the development would do much to create attraction, activity and interest for the local communities in this part of Chelsea;
- would contain in the converted power station building a mix of uses with public access, incorporating ground floor shopping and class A3 uses; and
- would relate positively to the water spaces around it, in both the river and the creek.

6.98 Policies 4B.10, 4B.11 and 4B.12 relate respectively to London's built heritage, heritage conservation and historic conservation-led regeneration. The proposal complies with all.

6.99 Policies 4B.15, 4B.16 and 4B.17 relate to protected views. The proposed development would not impinge upon any of the views designated as part of the London View Protection Framework; nor would it fall within any of the proposed London panoramas.

6.100 Chapter 4C deals with the Blue Ribbon Network (BRN). Policy 4C.1 relates to the strategic importance of the BRN,[A] Policy 4C.10 to the historic environment and Policy 4C.11 to conservation areas. In no respect would the development be offensive to the character, appearance or setting of any of the conservation areas to which reference has been made, or to views towards or from those areas. No designated special interest would be compromised by the development. Change there would be – but not change harmful to the historic environment.

6.101 Policy 4C.20 is entitled 'Design – starting from the water' and seeks a high quality of design for all waterside development. Far from presuming against tall buildings on the river, it plainly contemplates the introduction of landmarks on the water's edge; the fourth criterion in the policy expressly refers to such development and the potential for it to provide orientation points and pleasing views. And the proposed development would satisfy all of the considerations set out:
- it would include a mix of uses appropriate to its location adjacent to the River Thames and Chelsea Creek, including publicly accessible spaces;
- it would be well integrated into the public realm;
- it would incorporate built form with a human scale, as Sir Terry Farrell has explained; it would integrate with the existing communities and places;
- it would provide a landmark which would assist orientation and contribute to pleasing views, without causing harm to the cohesiveness of the water's edge;
- it would serve to bring together a better composition of buildings and space than currently exists; it would relate successfully in terms of scale, materials, colour and richness of detail not only to its neighbours, but also to buildings on the opposite bank, in particular the listed St Mary's Church and the adjacent Montevetro development; and
- it would incorporate sustainable design and construction techniques.

6.102 Policy 4C.24 refers to the importance of the River Thames, emphasizing the essential role of the river in maintaining London as an exemplary, sustainable world city, and encouraging greater use of the river for transport. The development proposed is fully consistent with this policy and its objectives.

6.103 Policy 5B.1 when dealing with call-in issue (c) sets out the strategic priorities for central London. With none of those priorities is the proposed development in conflict. The site does not lie within the Central Activities Zone (CAZ), a special policy area, an opportunity area or an area for intensification. But this does not mean that tall buildings

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

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

Relationship to the Thames Strategy: Kew to Chelsea

6.104 The Thames Strategy document[B] contains wide-ranging strategic guidance for river-related activity and development in the section of the river running from Kew to Chelsea. A variety of bodies participated in its production. The executive summary says that it is 'a response to the lack of comprehensive guidance recognising the distinct characteristics of individual stretches of the River Thames, the conflicting pressures for change and the potential to protect and enhance the value of the river for all Londoners'. It is intended to provide a basis for managing long-term change.

6.105 The site belongs to Character Reach No.7, Chelsea and Battersea. It is within one of the circles denoting 'development and regeneration hubs/focal points of activity' but is not within the stretch of riverside shown as a 'historic waterfront', comprising the Chelsea Embankment and Cheyne Walk. It is shown adjacent to the site of a new station and the route of a strategic link and it also carries one of the green circles that mark opportunities for 'habitat creation at mouth of tributaries'.

6.106 There are fifteen 'Important Local Views' and eight 'Important Local Prospects' relating, in whole or in part, to Character Reach 7. The only reference to Lots Road Power station is in the View of the power station from the river and St Mary's Church in Battersea and the Prospects upstream from Battersea Bridge to Cadogan Pier, Lots Road Power station, Chelsea Harbour and Montevetro and from Albert Bridge upstream to Battersea Bridge, Lots Road Power station and Cheyne Walk. All three are said to be identified in the Wandsworth UDP – but that Council has not objected to the proposal in relation to them, or, indeed, on any other ground. Battersea Power Station and Lots Road Power Station are referred to as the subject of current development proposals – the proposals for Lots Road are, in fact, the current scheme, subsequent modifications not having so changed them as to justify a different comment in the strategy. Existing tall buildings are identified, as are two landmarks (Lots Road Power Station and St Mary's Church). And there is guidance on new landmarks; it is acknowledged that high buildings can have a positive role to play in defining focal points and can contribute to the quality and legibility of the riverside.

6.107 The Strategy cautions against producing such proposals without a coherent design framework and in a way that gives rise to competition for attention. It suggests that 'in order to balance the potential impacts of high buildings and to promote strategic objectives such as regeneration, sustainability and improved public transport, it may be most appropriate to locate high buildings in development hubs and identified landmark

[A] Document CD174 – para. 5.48 on p.239.

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

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

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

Relationship to the RBKC UDP

6.109 RBKC's decision notice contains a single reason for refusal, alleging conflict with five policies of the UDP (CD1, CD25, CD27, CD28 and CD63) and a 'departure' from two more (CD6 and CD37). The contentions of harm are expressed in very general terms. They are that the development would include a building significantly in excess of the height of existing buildings to the east of Blantyre Street and other neighbouring buildings, with harm to the skyline, to important views and to surrounding conservation areas 'by virtue of its height, design and location'. There is no reference in the reason for refusal to any conflict with relevant government policy, with the provisions of the London Plan, or with any supplementary planning guidance.

6.110 Some 70% of the RBKC has been accorded conservation area status.[A] Such status does not, however, apply to the part of the site for this proposed development. Indeed, whilst included in the Thames Policy Area, it has been deliberately left out of the Thames Conservation Area.

6.111 Policy CD1 aims 'To protect and enhance views and vistas along the riverside including: river views of Chelsea Embankment and the setting of Chelsea Old Church and views from the Thames bridges'. There is no specific identification of particular views to which the objective of protection and enhancement applies.

6.112 But the policy on which RBKC has sought principally to place reliance is policy CD6.[B] This requires 'any development on the riverside to preserve and enhance the waterfront character, protect or improve physical and visual links between the river and the rest of the Borough, and be of a height no greater than the general level of existing building heights to the east of Blantyre Street'. The purpose of the policy when originally conceived (believed to be in preparing the 1982 local plan) seems to have been to ensure that the 'mistake' of the development of the World's End Estate would not be seen as a precedent for similar developments elsewhere on or near the riverside. It was essentially a reactive policy, not based on any systematic assessment of townscape (or riverscape), certainly not one that has survived for scrutiny today and certainly not one of the kind contemplated, and required, by Policy 4B.8 in the London Plan.

6.113 The supporting text[C] does not say that the character of the riverside owes anything positive to the buildings that stand at present on the power station site. Nor is there any

[A] Document CD199 – para. 4.5.1.
[B] Document CD199 – p.56.
[C] Document CD199 – para. 4.2.10.

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

6.114 While the World's End Estate is part of the urban context in which the proposed development would take its place, its brutalism is not going to be replicated on the power station site. The proposed development would bring a number of benefits. It would bring a greater degree of coherence to the local townscape and, in certain views, would draw attention away from the somewhat less than exhilarating architecture of the World's End Estate. It would bring forward a mix of uses, including public uses, in the converted power station. It would provide a welcome addition to the publicly accessible open spaces in this part of Chelsea. The proposals have been prepared and refined with a high degree of sensitivity to the local context and exhibit the highest standards of design quality. There has been ample consultation both before the applications were made and afterwards. There can be no complaint about that.

6.115 If the proposed development would enhance the waterfront character, and improve both the physical and visual links between the river and the hinterland, then the residential towers on either side of the mouth of the creek, whilst they would certainly far exceed the general level of existing building heights to the east of Blantyre Street, would do so in such a way as to benefit rather than damage the quality of the local townscape and the character of the riverside.

6.116 Policy CD25 (Parks and Gardens of Special Historic Interest), Policy CD27 (Standards of Design) and Policy CD28 (physically and visually integrating development into its surroundings) are matters addressed elsewhere in these submissions.

6.117 Policy CD37 aims to 'resist a new high building which would significantly exceed the height of neighbouring buildings and which would harm the skyline'. If a high building is to be resisted, it must be judged likely to harm the skyline. Judgement should not be applied in a vacuum. The EH/CABE guidance on tall buildings and Policies 4B.1, 4B.3, 4B.8 and 4B.9 of the London Plan provide a complete matrix of tests by which to assess the likely impact of a new high building on the skyline. Doing so in this case leads to the conclusion that the proposal is wholly acceptable.

Relationship to the RBKC planning brief

6.118 RBKC has sought to place a good deal of reliance on the planning brief it adopted for its part of the site in July 1998 and published in February 1999.[A]

6.119 Firstly, it is somewhat ironic that RBKC, having at the inquiry espoused the argument that the redundant power station building had some kind of iconic status, should put at the forefront of its objection a document that not merely accepts, but in places actually seems to urge, that the building should be removed altogether. Secondly, the status of the document is as supplementary planning guidance. Thirdly, the weight to be attached to it must anyway be slight, because LBHF, in whose area a substantial portion of the site lies, evidently took no part in its preparation (the LBHF UDP has no equivalent policy to

[A] Document CD206.

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

6.120 The brief is ambivalent on whether the power station building should be retained or removed but, if it 'were to be demolished, then clearly, the potential for a suitable replacement landmark (not necessarily a tower) might exist ...'.[A] This was a highly significant concession by RBKC. It could not have been inadvertent. One can see what prompted it. The power station building is not a historic asset to which any statutory or specific policy protection attaches. There has been ample opportunity for it to be listed – but that has not happened. Nor does the building enjoy the safeguards that would be automatically conferred upon if it stood within a conservation area.

6.121 In seeking to make so much of its planning brief as a theme of its opposition to the proposals, RBKC manages to display the fallacy at the heart of its case. If it does not matter that the power station building might be demolished to make way for another landmark building, why should it matter so much if a new landmark building is put up next to it with the effect of obscuring it, or partially obscuring it, in views in which it is visible at present? And, if it is acceptable in principle for the building to be replaced by something different (another landmark, not necessarily a tower – but not necessarily not a tower), is it not plain that RBKC's steadfast adherence to the rigour of policy CD6 is, by its own admission, misplaced?

Relationship to the LBHF UDP

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

Impact of the proposed development in local and more distant views

Impact upon the local and wider townscape and riverscape

6.123 Contrasts inform London's townscape. This part of London, though parts are protected for their historic interest, is no exception. It embraces a wide diversity of built form and scale, architecture that reflects the evolution of the settlement of this part of West London and the communities that inhabit it. Static it has never been. The site and its surroundings have changed considerably in the course of the last 50 or 60 years. Extensive new development, mostly residential, has proceeded on both banks of the river. The skyline has greatly changed – and continues to do so.

6.124 The power station is no longer active. It shed two of its original four chimneys many years ago. Otherwise, the buildings remain. But the use has gone. And industry is not going to return. Nobody suggests that it should. Redevelopment for a different use or uses is going to have to come. Twenty years ago, the same could have been said of the site that is now Chelsea Harbour. Fifteen years ago, the same could have been said of Imperial Wharf. The whole of this area was once the scene of heavy industrial activity, all of which has now gone.

Impact on views from the River Thames

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

[A] Document KC/2 – para. 8.

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

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

Impact upon the historic environment and relationship to PPG15

Context

6.127 It is in no sense to seek to diminish the quality of the local environment to say that, in terms of its historic importance, it is of a considerably lesser order than that into which the Vauxhall Tower is to be placed. It is instructive to see in the First Secretary of State's 'minded to grant' letter on the Vauxhall Tower[B] how he is prepared to countenance a very tall building close to elements of the historic environment which are not only locally familiar but also renowned on the national and, indeed, international plane. A similar approach was apparent in the Shards of Glass case. As a matter of principle, there is nothing wrong in introducing good contemporary architecture on to sites adjacent to or visible from conservation areas, or into the settings of listed buildings or other features of the historical environment that have statutory protection. Otherwise, the First Secretary of State could hardly have been content to grant permission in places such as the Shards, the Heron Tower, the Shell Centre and now the Vauxhall Tower.

6.128 The heritage assets in the vicinity of the site fall into six zones – the Cheyne Walk part of the Thames Conservation Area, Brompton Cemetery, the bridges across the Thames, the south bank (on which stand St Mary's Church and the Battersea Square Conservation Area), the Sands End Conservation Area and part of the Thames Conservation Area within LBHF.[C] None of the buildings on the site is listed. A small part of the site (part of the creek) lies within the Sands End Conservation Area and a short section of the creek

[A] Document CD174 – chapter 5B.
[B] Document A/13(2).
[C] Document CD58 – para. C1.57; updated in Document A/RT/P – para. 3.19.

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

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

The Cheyne Walk/Chelsea Riverside area

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

Brompton Cemetery

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

A Documents A/RT/P, A/RT/P2 and A/RT/A, underpinned by Chapter 11 in the ES (Document CD54).
B Document A/RT/A – Views CP7, RT4 and RT5 – and para. 5.9 in Document A/RT/P.
C Document A/RT/A – Views RT2 and CP13.
D Document CD199 – para. 4.2.10, introducing Policy CD6.
E Document A/RT/A – Views RT12, RT13, RT14 and RT15.

Battersea Bridge

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

Albert Bridge

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

Churchill Gardens Conservation Area

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

The Sands End Conservation Area

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

Battersea Square Conservation Area and St Mary's Church

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

Relationship to policy for the historic environment in the development plan

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

---

[A] Document A/RT/A – Views CP5, CP7 and CP8.
[B] Document A/RT/A – Views CP1 and CP3; also Views CP5, CP7 and CP8;
Document CD31D is Westminster City Council's objection, rebutted in Document A/RT/P2.
[C] Document A/RT/P2.
[D] Document CD225.
[E] Document A/RT/A – Views CP14, RT10, RT11 and RT19.
[F] Documents CD174 (the 4B suite of policies), CD199 (the CD policies) and CD222 (Policy EN9).

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

Call-in issue (d) – PPG13

Introduction

6.138 The 627 resident parking spaces for 802 residential units should be sufficient for the predicted demand. The design places the parking below ground, ensuring that ground level would be largely car-free, with priority going to safe and convenient pedestrian movement. Whilst some existing on-street parking would be lost, alternative parking for the commercial element is provided by setting aside 40 basement spaces (though some would be reserved for the car club). The removal of on-street parking helps to enhance the accessibility of Lots Road for public transport. Provision for safe and secure cycle parking would be below ground for residents and at ground level for visitors. Overall conditions for pedestrians and cyclists would be enhanced and public transport would be improved by the provision of more bus services.

6.139 The development proposals include a package of sustainable and integrated transport improvements (SITS), which has been the subject of detailed discussion with TfL (as the authority responsible for the strategic highway and the operation of buses, trains and the underground) and RBKC and LBHF (as the local highway authorities).

6.140 The impact of the development has been rigorously assessed through a series of studies begun in December 2002, supplemented in February 2003 and updated in November 2004.[A] All these assessments have been contained in the ES. They have been scrutinised not only by officers acting on behalf of TfL, RBKC and LBHF but also by additional independent consultants.[B] No reason was found to warrant refusing the proposal on transport grounds.[C]

Impact on traffic generation and local travel patterns

Traffic generation

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

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

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

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

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

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

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

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

Local travel patterns

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

Minimising the need to travel

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

Accessibility: cycling and walking

6.145 All parties to the inquiry accept that the scheme would bring an improvement to pedestrian and cycling facilities. In terms of pedestrian movement, the largely car-free layout, combined with the provision of three footbridges across Chelsea Creek (linking directly to Lots Road via the routes through the converted Power station), would open up the site. Increased permeability was a key objective of the design. Residents in Chelsea Harbour and in the new Imperial Wharf would benefit from much easier access to Lots Road and beyond. Those in Chelsea would have access to the river in a manner that they have not hitherto enjoyed.

6.146 No-one denies the benefits of the layout in terms of the increased permeability of the site. Cyclists too, whether residential or visitors or just passing through, would also benefit. The section 106 obligations further enhance provision for existing and future residents and workers in the area.[F]

6.147 There is a multiplicity of employment, educational, shopping and leisure facilities within a 2km catchment of the site.[G] The mixed-use nature of the scheme, which includes local shops, doctor's surgery, community facility, nursery, gyms, restaurant/café, internet pick-

[A] Document A/HW/P – paras. 4.16-20 and Table 4.3 (pp.48-49).
[B] Document CD54 – paras. 16.207-210.
[C] Document CH4 – Table 3.3 on p.20, derived from paras. 16.20-23 in Document CD54.
[D] Document A/HW/A – Figures 4.2 and 4.3 show the trip distribution on the road network.
[E] Document A/HW/P – Table 4.7 on p.53.
[F] Document 16/1 – £410,000 to off-site cycling provisions, £200,000 towards off-site pedestrian improvements and the introduction of car and cycle pools.
[G] Document A/HW/A – Figures 2.10 and 2.11.

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

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

Compliance with development plan policy on transport

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

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

Effect and adequacy of the proposed improvements to public transport

Buses

6.151 An estimated total of 238 bus trips would be generated in the morning peak hour and 141 in the evening peak hour.[F] Circadian has been involved in detailed discussions with TfL in formulating the SITS package. The proposed increased frequency of the C3 bus service and the proposed new embankment bus service offer additional provision for those travelling broadly on a north/south axis between Clapham Junction and Earls Court and on an east/west axis between Sands End and Westminster. These have been assessed by TfL, which is satisfied that the proposed capacity meets the predicted demand.[G]

6.152 The introduction of two additional buses per hour on the C3 route would increase capacity by 160 passengers[H] and is ensured by the section 106 obligation with LBHF and TfL.[I] The extra capacity would be provided at the outset.

A Document A/HW/A – Figure 2.8.
B Document CD130 (PPG13) – para. 78.
C Document CD174 – Policy 3C.20; Document CD199 – Policies STRAT 25 and TR4; Document CD222 – Policy TN5.
D Document CD174 – Policy 3C.21; Document CD199 – Policies TR5, TR8 and TR9; Document CD222 – Policy TN6.
E Document CD174 – Policies 3C.1 and 3C.16; Document CD199 – Policy TR1; Document CD222 – Policy TN2.
F Document A/HW/P – para. 5.4 and Table 4.7 actually give slightly smaller figures of 235 and 134.
G Document GLA/3/2 – para.5.11.
H Document GLA/3/2 – para.5.8.
I Document A/16(2) – clause 24.

6.153 The new embankment bus service, at six buses an hour travelling between the Sainsbury Store on Townmead Road and Westminster, would offer a total capacity of 660 passengers.[A] Given that this is the provision of a new service on an east/west axis where there are already a number of services (routes nos. 11 and 22) along the King's Road, the section 106 obligation with RBKC and TfL[B] does not require a contribution until either 50% of the RBKC units are occupied or within 6 months of completion of phase 3 on the LBHF site. This timing has been agreed with TfL. As the Imperial Wharf experience demonstrates, the fact that there is a time lag between the occupation of development and the introduction of buses does not mean that passenger patronage will not increase.[C]

6.154 In addition, the section 106 obligations secure upgrading the bus gate on Townmead Road, improved bus stops and bus priority measures, and upgrading the Lots Road/Cremorne Road junction. The proposed improvements are agreed with TfL, and RBKC or LBHF as appropriate, and are secured through executed section 106 obligations, thus demonstrating that Circadian has taken all reasonable steps to ensure that the proposal complies with development plan policy.[D]

Rail

6.155 The new station at Imperial Wharf will be built irrespective of whether planning consent is granted on Circadian's proposals. TfL has funds set aside to cover any shortfall flowing from a deficit in developer contributions and ensure the works proceed on time. Thus, the WLL station will be in place prior to any occupation of Circadian's proposals. Nevertheless, Circadian is committed through the section 106 obligation[E] to make contributions totalling £1 million. The contributions would go to TfL to reimburse it for monies already expended, with any balance divided between RBKC and LBHF for use within five years on transportation measures to further mitigate the impact of the development.

6.156 There would be an estimated 48 new rail trips in the morning peak hour and 28 in the evening peak hour.[F] No-one disputes these figures. Network planning is already seeking to increase the frequency of services on the WLL in 2006 as part of a new franchise agreement with the train operating company.[G] While the section 106 obligation does not and could not guarantee the provision of the new services, the proximity of the development to the new station optimises the opportunity of securing trips by rail and would help to maximise the investment in it. The WLL offers a rail connection to the District Line at West Brompton and, in the longer term, the Central Line at White City. Circadian has done what it reasonably can to exploit the proximity of the new station, in accordance with development plan policy.[H]

A Document GLA/3/2 – para.5.8.
B Document A/16(1).
C Document CD70 – Appendix H16.
D Document CD174 – Policies 3C.19; Document CD199 – Policy TR14 and TR15; Document CD222 – Policy TN22.
E Document A/16(2) – clauses 31 and 32.
F Document A/HW/P – Table 4.7 on p.53.
G Document A/HW/P – para 2.27.
H Document Cd199 – Policy TR12; Document CD222 – Policy TN23.

Underground

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

River bus

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

Compliance with development plan policy on public transport

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

Impact of the development upon traffic congestion in the local area

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

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

[A] Document CD174 – Policy 3C.2.
[B] Document A/16(2) – clause 14.
[C] Document A/16(1) – clause 19.
[D] Document CD174 – Policy 3C.3.

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

The proposed level of car parking

6.163 Compliance with national and development plan policy for parking is agreed.[B] Both LBHF and RBKC agree that there is sufficient parking provided on-site to meet expected demand without impact on the remaining street spaces. On the RBKC site, 360 car parking spaces are provided for 420 flats; on the LBHF site, 260 spaces for 382 flats.[C] The Mayor and the Boroughs are satisfied that the parking strategy accords with policy.[D]

6.164 Residents on the LBHF site will not be able to apply for a parking permit to enable them to park on-street.[E] Car ownership in the SW10 postcode area is 0.63 cars per unit[F] and fell slightly between 1991 and 2001.[G] Given car ownership levels and the quantum of parking provided, it is most unlikely that a shortfall in on-street resident parking bays in RBKC would arise because of residents of the development parking on-street. On-street car parking surveys[H] reveal plenty of spare capacity on Lots Road both in the pay and display spaces and in the resident permit bays.

6.165 Concerns were raised about the interaction between the proposed development and the proposed Chelsea Academy, should it proceed. It is not for Circadian to make provision for demand generated by the Academy. Also, if the Academy were developed, it would benefit from the increased frequency of the C3 bus route. Thus, the Academy is no impediment to the proposed Circadian scheme – or vice versa.

Call-in issue (f) – PPG17

Approach

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

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

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

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

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

E Document A/16(2) – clause 28.

F Document CD54 – para.16.266.

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

H Document A/HW/A – Appendix HW-9.

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

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

Accessibility

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

Open space provision within the development

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

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

---

A Document CD222 – pp.311,312.

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

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

D Document CD174 – pp.142,145.

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

F Document CD70(2) – Appendix H11.

G Document H10 – pp.4-8.

H Document H10 – paras. 10-11.

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

Call-in issue (h) – PPG9

The ecological status quo

6.171 Following the closure of the power station, and absent intervention, Chelsea Creek would progressively silt up.[C] This siltation process would lead to both a reduction in the flood storage capacity for the Thames and the ultimate loss of the associated ecological habitat. No one suggests this is the preferred solution.

6.172 The creek and the basin beyond form part of the River Thames and Tidal Tributaries Site of Metropolitan Importance (SMI), supporting diverse communities of fish, water birds, invertebrates and wetland plants. The Tidal Thames, including the creek and basin, is also the subject of a Habitat Action Plan (HAP) within the London Biodiversity Action Plan (BAP).[D] Comprehensive site surveys have identified heron, black redstart and kingfisher, though numbers have diminished since closure of the power station.

Impact of the development on biodiversity

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

Compatibility with leisure uses in the creek

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

Compliance with PPG9 and development plan policy

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

---

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

B Document CD199 – section 11.3; see
Document A/AS/P – section 16.6 deals with the relationship of the proposal to Policies STRAT 46, STRAT 47, STRAT 48, LR13, LR19 and LR36.

C Document CD62 – paras. 4.1-7.

D Document CD162.

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

F Document G/6 – the Position Statement.

G Document CD54 – para. 14.143.

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

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

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

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

Implications for the River Thames and for Blue Ribbon Network policy

6.176 Neither the Mayor nor RBKC nor LBHF suggests that the proposal offends BRN policy. Adjacent to the site's river frontage lie Chelsea Harbour pier to the south-west and Cremorne Wharf to the north-east. Cremorne Wharf is currently operated as a waste recycling facility by SITA, although all transportion is by road. It is a safeguarded wharf[B] lying in close proximity to the Lots Road triangle. In the circumstances, it is not surprising that no one is seriously suggesting that residential development of the former power station site in RBKC is an inappropriate land use.

6.177 The Port of London Authority suggests that the design and layout of the proposal should have regard to the potential noise nuisance from Cremorne Wharf. The layout and design of Building KC2A has specifically had regard to this issue.

6.178 Throughout the long history of these proposals, no organisation has claimed that the site needs to be used for an activity that requires water or a waterside location. Even now, no-one makes this claim, although Lady Berkeley suggests that the ES is deficient in its consideration of the BRN policies. None of the authorities consulted has expressed this view and, in truth, Lady Berkeley's concern is more a matter of layout than land use – she considers that residential development should be set further back so as not to inhibit use of the river. Neither English Nature nor the Environment Agency suggest that this is necessary to protect ecological interests. Those who currently use the creek for canoeing likewise do not make this complaint. The suggestion also runs contrary to government policy to make best use of brownfield land.

6.179 Lady Berkeley suggests that mooring facilities should be provided. Mooring posts are shown on the plans and could be used by canoeists and other small craft. There are, however, no existing moorings in the creek, which means that London Plan Policy 4C.19, which seeks to ensure the protection and improvement of existing moorings, does not bite. There is no obligation to provide new mooring facilities, although the proposal seeks to do so. But those mooring posts are not designed to support residential or long-stay craft and the provision of land based support facilities is therefore unnecessary and inappropriate. The proposals enhance leisure and recreation opportunities for visitors and residents, maintain the inter-tidal habitats, open up access to the river for pedestrians and cyclists and would help to sustain river transport services for commuters. All of these benefits accord with the thrust of the BRN principles.

Construction impacts

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

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

[B] Document CD174 – as defined on p.A72.

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

Overall conclusion

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

Documents A/16(1) and (2) have covenants at clauses 20 and 16 respectively.

7 THE CASE FOR THE MAYOR OF LONDON

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

Call-in issue (c) – PPG3

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

7.1 The site is brownfield land. It is serving no useful purpose and, because of its previous use, is in need of decontamination.[A] There is no dissent from the proposition that it should be redeveloped. With one exception, there is no dispute about the appropriateness of the uses proposed.[B] Although RBKC is recorded in the SoCG[C] as not agreeing that the proposed land use is sustainable, its reason for refusal and the evidence in support of it are exclusively concerned with townscape impact.[D] Mr McCoy also accepted that the site requires regeneration, that it is 'extremely desirable' for this to happen as soon as reasonably possible and that the RBKC UDP's Schedule of Major Development Sites envisages a residentially-led mixed use scheme of regeneration.[E] Similarly, for the Chelsea Society, Mr Le Lay agreed that the site is in need of redevelopment for its own sake and that the uses proposed are in character with those surrounding it.[F]

7.2 Redevelopment of the site for a residential-led mixed-use scheme is wholly in accordance with PPG3 policies for the re-use of urban land and buildings, the sequential test and promoting mixed use development.[G] It is also in accordance with the RBKC UDP. The LBHF UDP allocates land and creek for residential, open space, riverside walk and nature conservation uses.[H] These allocations are consistent with the more recently published London Plan and, as Mr Wilson explained, the site offers one of the few opportunities to contribute significantly to London-wide housing targets.

7.3 These targets are themselves under review as a response to the conclusion of the Examination in Public (EiP) Panel that they might be an underestimate. The existing targets are challenging – but central to achievement of the London Plan's objectives:[I] 'maximum provision of additional housing in London' is sought, UDPs should seek to exceed targets and 'proposals for large residential developments' are to be encouraged in areas of high public transport accessibility, 'including the provision of suitable non-residential uses within such schemes'.[J] These are London wide, thematic policies and are in no way disapplied or weakened by the sub-regional policies for Central London.

A Document CD54 – Chapter 15 in particular; see also the draft conditions in Document CD15.
B The exception being Lady Berkeley.
C Document CD11 – para. 4.2.
D Document KC /1 – paras. 2.5, 2.6.
E Document CD199 – Site 17 on p.366; see also Policies H15 and H23 requiring 'a substantial proportion of housing' and 'a significant proportion of affordable housing' respectively.
F See also Document CD11 – paras. 2.8-2.12.
G Document CD124 (PPG3) – paras. 22, 23, 30-32, 37, 38 and 41.
H Document CD222 – pp. 311-312 (Sites 22, 22A).
I Document CD174 – p.6 *et seq*; also, on general construction of the Plan, pp.11-12 at section (xxvii).
J Document CD174 – p.54 *et seq*, Policies 3A.1, 3A.2, 3A.5.

7.4 Thus, Policy 5B.1 includes within the strategic priorities for Central London maximisation of the number of additional homes by exceeding targets and the promotion and intensification of opportunities for mixed-use development generally. Whilst the identification of capacity to accommodate new job and housing opportunities and mixed-use development is said to be 'especially important' in certain designated areas, the language makes clear that the priority is not confined to such locations.

7.5 It is important to approach the construction of London Plan paragraphs 5.20 and 5.48 with these principles in mind. Reliance was placed on these extracts by objectors[A] to support arguments about the scale of development but the passages are fundamentally concerned with appropriate land uses. The London Plan designates a Central Activities Zone (CAZ), which does not include the site. The CAZ's characteristics and uses are described[B] and provision made, through Policy 5B.2, for commercial development and for meeting the requirements of London's World City role. Opportunity Areas are designated and, at Table 5B.1, 'indicative estimates' given for major growth in employment and housing. Areas for Intensification are smaller but share sizeable plans for employment creation as well as housing. The Chapter continues with guidance on Town Centres, Suburbs and Strategic Employment Locations.

7.6 Paragraph 5.20 states: 'There are also vulnerable neighbourhoods, largely just beyond the Central Activities Zone but some within it, which contain long-standing communities and valuable small businesses that could be displaced by outward growth from the zone. These should be protected and growth channelled into the areas designated for it ...'. The passage is clearly directed towards resisting the loss of uses constituting or contributing to local communities and/or of localised economic value which, because of their location cheek by jowl with the commercial/international uses of the CAZ, are likely to face development pressure. The point finds expression within the CAZ in Policy 5B.2 and is taken up again in Paragraph 5.48, as follows: 'Outside the main growth areas, Central London is characterised by a mix of residential and other activities, which relate better to the local economy and communities than to the national, regional and international roles of activities prevalent in the Central Activities Zone. This plan contains policies to protect and manage these local, smaller scale land uses and activities, recognising the contribution they make to the character of Central London and the often acute development pressures they face. Accordingly, boroughs should resist large-scale redevelopment in the Central London sub-region outside the Central Activities Zone, Opportunity Areas, Areas for Intensification, SELs and town centres.'

7.7 Whatever view is taken about the absence of a sub-heading above paragraph 5.48,[C] the principle is clear. In each case, the London Plan requires that growth, redevelopment and the playing of London's role upon the international stage should not be at the expense of 'local, smaller scale land uses and activities'. Since no existing activities would be displaced by the proposals, whose uses are in character with the surrounding area, reliance upon these paragraphs of London Plan is misplaced. Of course, the power station, when operational, served a pioneering London-wide function – but the need to redevelop and regenerate it arises from its own vacancy and dereliction, rather than any external driver. These facts have been recognised at local level in both UDPs and in RBKC's Planning Brief.[D]

A Chelsea Society and LFACS.
B Document CD174 – paras. 5.25 *et seq*.
C On which there was a debate during evidence for the London Forum of Civic and Amenity Societies (LFACS).
D Document CD206 – para 1.1;

7.8 It is well established that, for the purposes of the statutory test, the development plan must be read as a whole.[A] These two paragraphs are part of a comprehensive and balanced document which, together with the UDPs, forms part of the development plan. They should not, by being taken out of context and applied in a doctrinaire fashion, be used to defeat the purposes of the development plan itself.

7.9 In addition to general support for the proposed uses, policy at all levels particularly favours re-use of the site because of its brownfield status. As well as PPG3, PPS1 has recently re-emphasised the need to make the most of such sites.[B] The London Plan enshrines such sustainable use of land as a strategic principle and it informs the thematic and crosscutting policies of Chapters 3 and 4.[C] Similar policies are found in the UDPs.[D]

7.10 Although the power station is not listed, most witnesses considered that its retention was desirable. Interestingly, commitment to re-use of the building is, at least for some, a response to Sir Terry Farrell's ingenious design, which simultaneously preserves the distinctive form and character of the building and reconciles it to its surroundings by opening it up functionally and visually. The proposals in this regard are doubly sustainable. Firstly, resources of land and building materials are re-used. Secondly, application of contemporary design principles reinvigorates the old structure for the twenty-first century and beyond. In the language of PPG15: 'Most historic buildings can still be put to good economic use in, for example, commercial or residential occupation. They are a valuable material resource and can contribute to the prosperity of the economy, provided that they are properly maintained: the avoidable loss of fabric through neglect is a waste of economic as well as environmental resources'.[E]

Land use policy and the Thames

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

---

A City of Edinburgh Council v Secretary of State for Scotland [1998] 1 AER 174 at 186b, per Lord Clyde *"the decision-maker ... will ... have to consider whether the development proposed in the application before him does or does not accord with the development plan. There may be some points in the plan which support the proposal but there may be some considerations pointing in the opposite direction. He will require to assess all of these and then decide whether in light of the whole plan the proposal does or does not accord with it."*
NB. With regard to the construction of the policies of London Plan itself, this formulation is unaffected by s.38 of the Planning and Compulsory Purchase Act 2004. In the event of conflict between plans, s.38(5) applies to give precedence to the most recently approved, adopted or published.

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

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

D Document CD199 – Policy STRAT 18 (p.38); para 2.5.13 (p.28).
Document CD222 – Policies G0(b) and G2 (both p.17).

E Document CD131 (PPG15) – para. 1.4.

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

G Document CD174 – para. 4.75.

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

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

Density

7.13 PPG3 is quite clear that the inefficient use of land should be avoided.[A] At an overall density of 223 units per hectare (u/ha) (excluding the creek) or 175u/ha (including the creek),[B] the proposals comfortably exceed PPG3 minima. Within the general exhortation to efficiency, greater intensity is to be sought at places with good public transport accessibility. The principle of intensification is also crucial to the London Plan. It features in several of the Mayor's Objectives[C] and is woven into the Plan's sustainability criteria,[D] which, in turn, inform the thematic and crosscutting policies of Chapters 3 and 4.[E] Lying behind national and strategic density policy are two very serious objectives. One is that of sustainable development, which, in this context, translates into the policy requirement of minimising landtake, especially greenfield land. The other is the pressing need in the region for housing of all types.

7.14 Objections to the density of the proposed development have predominantly been put forward on the basis of social/transport infrastructure capacity rather than design.[F] Thus, notwithstanding UDP Policy H12, on which others rely,[G] RBKC does not resist the scheme on grounds of density. As the Committee report explains,[H] since redevelopment of the power station would, by itself, breach H12, then such a reason for refusal is not appropriate. The section concludes that 'if the density of development proposed does not

---

A Document CD124 (PPG3) – paras. 57-58.
B Document CD11 – the Statement of Common Ground, para 7.19.
C Document CD174 – p.6 *et seq.*
D Document CD174 – Policy 2A.1 (bullets 1 and 2).
E Document CD174 – see Policies 3A.1, 3A.2, 3A.5, 4B.1 (bullet 1) and 4B.3.
F for example, Document LR1 – paras. 1.2, 4.7.
G for example, Document CH1 – para. 5.8.
H Document CD20 – Section 7.6 (pp.40-41).

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

7.15 This test is the correct one – and it accords with PPG3 and Policy 4B.3. A mechanistic application of H12 would be inconsistent with the London Plan, in which case London Plan policies would take precedence.[A] The LBHF UDP adopts a similar approach.[B]

7.16 Policy 4B.3 seeks to maximise the potential of sites. 'The highest possible intensity' is to be achieved subject to compatibility with three indicators – local context, design principles and public transport capacity. 'Design principles for a compact city' are set out in Policy 4B.1[C] – though the design issues in this case are not a function of density.

7.17 Table 4B.1[D] deals with location, accessibility and setting and is described in the supporting paragraphs as a 'tool for increasing density' or a 'strategic framework'. Policy and text make clear that the table certainly does not prescribe maxima. It should be interpreted and applied as a servant of the policy objective of maximisation. The matrix is a tool requiring judgement to be applied. In the absence of material harm to the specified factors, it would be contrary to Policy 4B.3 to reject proposals for exceeding the density ranges in the table.[E] It must therefore be asked, bearing in mind national and strategic policy context and the important justifications for it, whether there is any good reason not to develop at the density proposed.

Table 4B.1

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

7.19 One can, however, have confidence in the West London Line (WLL) improvements.[J] And the development itself can assist in achievement of policy objectives by providing

A Section 38(5) of the Planning and Compulsory Purchase Act 2004.
B Document HF1 – Section 9.
C Document CD174 – p.173.
D Document CD174 – p.177.
E Document GLA/2/2 – paras. 5.9-5.11 and 5.23 (last sentence).
F See the Transport Statements of Common Ground at Document CD12.
G Document CD291 – Measuring Public Transport Accessibility Levels, TfL 2003.
H Document CD12; also Document CH4 – para. 3.10.5.
I Document HF1 – para. 9.15.
J See Document CD180 - Policies 4E.2, 4E.7, 4Q.1 and 4Q.5. The Mayor is committed to Orbirail in his Transport Strategy and in the London Plan. The Government is committed to operation of the East London Line by 2009. Train paths will become available in 2007, making feasible the desired 6 services/hour. Freight trains are no more of an issue on the WLL than elsewhere in London and, in any event, do not run in peaks.

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

7.20 The issues above are also relevant to the overall question of acceptability within Policy 4B.3. It should be remembered that, as well as TfL, RBKC and LBHF as Highways Authorities are both satisfied about the transport implications of the proposed density[D] while it was accepted on behalf of CHRA that there is no reason for refusing the proposals in transportation terms.[E]

7.21 Turning to the location indicator in Table 4B.1, the site lies within 10 minutes' walking distance of the King's Road (West) town centre.[F] The RBKC UDP[G] defines the centre on a map and categorises it as a 'Principal Shopping Centre'. The Chelsea Society objected that King's Road (West) does not exhibit 'central' characteristics – but that is to confuse the 'setting' indicator with 'location'. In practical terms, King's Road (West) has shops to satisfy basic needs; one can walk to obtain daily necessities and fulfil a number of cultural and other requirements. In addition, Fulham Broadway (a 'Major Centre'), some 13-14 minutes' walk from the site, does not fall within the top locational indicator in Table 4B.1 but in real life is clearly relevant. The mixed-use nature of the proposals is also a factor because of the opportunities it would offer to internalise trips and reduce impacts on surrounding areas. This last point is not recognised in the Table.

7.22 The setting indicator calls for planning judgment. The Mayor has produced draft SPG on Housing Provision[H] which defines the site as part central, part urban. Mr Colin Wilson regarded it as urban, noting the density and scale of surrounding development and the mixture of domestic and other uses.[I] The result is that the site does not fit neatly into the Table 4B.1 formulation but, in his judgment, density in the range 450-700 hrh (embraced in both Urban and Central settings) is acceptable. In this connection, Mr Steadman's evidence on the limitations of PTAL is also relevant. The London Plan itself recognises that, while the PTAL method is a useful tool for achieving a consistent strategic framework, it 'does not preclude the use of additional assessment methods to assess a particular development or location'[J] PTAL does not take into account the location of a

---

A Document A/16(2) – p.16.

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

C Document CH6.

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

E Conceded by Mr Cole in cross-examination.

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

G Document CD199 – Appendix 2, p.406.

H Document CD192.

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

J Document CD174 – p.A20, para 7.

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

Conclusion on density

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

The quality of the residential environment

7.24 High quality new residential development is an objective of both PPG3 and the London Plan, to be achieved as part of the maximisation principle, not in spite of it.[B] The UDPs have similar objectives. All the planning authorities are satisfied in this regard, RBKC's objection being confined to the design/townscape implications of the towers. RBKC and LBHF consulted widely on the planning applications, including their own environmental health departments and the Police. Despite Councillor Bird's concerns, no responsible authority objects to the proposals on these grounds. In addition, the affordable housing units have been designed to satisfy not only the requirements of planning policy, but also the demands of the Housing Corporation.[C]

7.25 The proposals satisfy certain London Plan policy criteria which might be regarded as aspirational, rather than realistic.[D] Sir Terry Farrell has shown that, in expert hands, there is the potential to create an exceptional development here. The location is stunning. Beside the Thames, with the creek running through the site, there is a natural opportunity to create a really exciting residential environment. The presence of the power station offers the chance for a typically London alliance of old and new.

7.26 The proposals cleverly open up the site so that all may appreciate the river and the Riverside Walk, the power station and the creek. They create a development of diverse architectural shapes and spaces with elements at human scale – and they banish vehicles underground to produce safe, pleasant multi-functional spaces and dedicated recreational areas. Residents would also benefit from the mix of uses on site – shops, eateries, gym, employment – and from the renewable energy plan, enabling a more sustainable lifestyle. The SITS package, with its imaginative arrangements (such as for car pools) would also help to facilitate a sustainable way of living to the advantage of all residents and in line with the PPG3 objective of improving the quality of life.

[A] Documents GLA/2/2 (paras. 5.25-5.31), GLA/4 and A/HW/A (Figure 2.4).
[B] Document CD174 – Objective 1 (bullet 2), p.6; para. 4.34 and 4.37, Policies 4B.1 and 4B.3, pp.173-176.
[C] Document A/AS/P (para 9.2.4), Document HF1 (para 8.33) and Document A/6.
[D] For example, see Document CD174 – Policies 4B.1 (bullet 9) and 4B.2.

7.27 A range of types and sizes of dwellings is proposed – conversions in the power station, medium-rise new-build or state-of-the-art high-rise towers. The landscaping scheme is innovative, influenced by the ecological interest of the creek and its banks and using modern, sustainable techniques (including 'brown roofs' and 'green walls') to make the most of the spaces. The materials and planting styles of the more formal areas would reinforce their different character and function.

7.28 Perhaps as little as a decade ago, such a residential environment would have been the preserve of the rich; now, 47% of the housing would be affordable, mostly in the mid-rise blocks near the creek and its park or on Lots Road. All would be within easy reach of the Riverside Walk and good quality recreational areas on and off site. As PPG3 urges, therefore, the proposals would 'create attractive, high quality living environments in which people will choose to live' and 'meet the housing requirements of the whole community'. They also meet the London Plan's BRN aims of allowing Londoners the opportunity to live on or near water spaces, rather than seeing them preserved 'as a private resource or backdrop, which only privileged people can afford to be near to or enjoy, so that the Network can contribute towards improving the health of Londoners'.[A]

Affordable housing

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

Conclusion on call-in issue (c)

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

[A] Document CD174 – paras. 4.96, 4.109.

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

Call-in issue (d) – PPG13

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

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

Traffic generation and travel patterns

7.32 Unsurprisingly, in view of the general evidential position, there was minimal challenge to Mr Bond's appraisal of trip generation, distribution and modal split. Objectors wanted assurance that cumulative impact had been properly considered, which he was able to give with regard to committed developments at 552 King's Road, Imperial Wharf and Chelsea Harbour Phase II. Assessments had also been undertaken to predict the effects of the possible Western Extension to Congestion Charging Zone (CCZ) and of the proposed Chelsea Academy.[B] The latter will be considered in the normal way pursuant to the Town and Country Planning General Regulations 1992 as a local authority application.[C] As Mr Bond explained, it will be expected to 'consume its own smoke'. It would be unreasonable to assess these proposals on any other basis.

7.33 Mr Bond also explained that signalisation of the Lots Road/Cremorne Road junction would improve safety for right and left turners, including lorries to the waste transfer station (which had been included in traffic counts). Any potential increases (on which no evidence of likelihood was produced) were offset by the assumed lack of effect of SITS in Circadian's modelling. There was no reason to expect rat running off the eastern arm of Lots Road because Tadema Road and Ashburnam Road would be available.

7.34 Minimising travel would be achieved in a number of ways. Firstly, the location conforms to PPG13 advice to allocate the maximum amount of housing to larger urban areas where they are or can be easily accessible to facilities.[D] PTAL addresses this.[E] The advantages of mixed use in this connection are well recognised and re-emphasised in PPS1,[F] as well as in the London Plan.

7.35 Secondly, car parking at 0.78 spaces per unit is in accordance with PPG13 maxima and London Plan Policy 3C.22. Parking policy is designed to minimise car travel and encourage other modes. No-one has suggested that excessive space is proposed. Secure

---

A In cross-examination.
B Document GLA/3/2 – para. 3.10.
C Document CD130 (PPG13) – para 5.2b specifically notes this procedure.
D Document CD130 (PPG13) – para. 3.2, bullet 1
E See also Document A/HW/A – Figure 2.11.
F Document CD121 (PPS1), paras 27(ii) and (viii); also Document CD130 (PPG13), paras. 3.3 and 3.10.

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

7.36 Thirdly, the section 106 obligation would fund a number of improvements to public transport, and cycle/pedestrian infrastructure, together with commitments to Green and School Travel Plans. In practical terms, and assessed against PPG13 and London Plan policies for improving modal choice, reducing congestion and making better use of infrastructure, these would help to minimise the need for car use by residents of both the development and the surrounding area. The section 106 contributions to TfL include financial contributions to the cost of constructing the new WLL station, improvements to frequency of the C3 bus service and the introduction of a wholly new bus service, likely to run along the Embankment.[A] The beneficial effects of similar investment have recently been demonstrated in connection with the Imperial Wharf development, where, following section 106 improvements to two bus services in the area, patronage has increased markedly.[B]

7.37 Modal choice would be further widened by the availability of the river bus. Although the service is privately operated and beyond the control of TfL, new routes through the site offer a good prospect of increased patronage and thus of improvements to the service becoming commercially viable.

Improvements to public transport

7.38 TfL has assessed the SITS package and concluded that it would bring real improvements to public transport in the area. This is an important material consideration in favour of the scheme, as well as complying with the development plan.

7.39 Perceptions of public transport adequacy vary. Whilst it is understandable that local residents wish to travel in spacious conditions, this is not in line with peak conditions on the network London-wide. Nor is it good transport planning.[C] TfL has capacity standards for buses, trains and the underground. These have been applied in assessing SITS requirements. Planned bus provision would, in fact, be more than double predicted morning peak bus trip demand from the development.[D] The likely increase in tube passengers at Fulham Broadway would be negligible[E] and there is, in operating terms, adequate spare capacity on WLL.

Traffic congestion

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

A Document GLA/3/2 – Section 6 and Appendix B.
B Document GLA/3/2 – Section 5.
C Document GLA/3/4 – para. 4.3.
D Document GLA/3/4 – para. 2.4.
E Document GLA/3/4 – para. 3.6.
F Document GLA/3/2 – paras. 3.5, 3.6, 3.10, 3.11.
G Document GLA/2/2, para. 7.5, and Document GLA/3/2, paras. 4.5-9.

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

Call-in issue (f) – PPS1

7.41 On the first day of the inquiry, PPG1 was replaced by PPS1. That notwithstanding, the definition of urban design in paragraph 14 of PPG1 still holds good – 'The relationship between different buildings; the relationship between buildings and the streets, squares, parks, waterways and other spaces which make up the public domain; the nature and quality of the public domain itself; the relationship of one part of a ... city with other parts; and the patterns of movement and activity which are thereby established; in short, the complex relationships between all the elements of the built and unbuilt space. As the appearance and treatment of the spaces between and around buildings is often of comparable importance to the design of the buildings themselves, landscape design, whether hard or soft, should be considered as an integral part of urban design.'

7.42 PPS1, in its section on design, continues to stress the importance of good design, not only in its visual aspect but also in terms of the contribution that it makes to the way that areas function. Thus, it stresses the need to break down unnecessary barriers in a manner that benefits the entire community.

7.43 There is much to admire in the proposals. The Mayor is satisfied that the entire scheme conforms to the policies of Chapter 4B of London Plan. The design principles in Policy 4B.1 reflect those in PPG1 and PPS1 and are generally agreed by others to be exemplified in the proposals, save for the towers. In turn, the design principles are developed through specific policies in Chapter 4 about which, again, there has been no real dispute in any respect except the towers.

The towers

7.44 The London Plan contains two policies of particular relevance to consideration of the towers – 4B.8 (Tall buildings – location) and 4B.9 (Large buildings – design and impact).

7.45 Policy 4B.8 is not locationally specific. It prescribes criteria for suitable locations in which the Mayor will promote the development of tall buildings. Like the housing targets of the Plan, this crosscutting policy is not qualified by the specific sub-regional policies of Chapter 5. Nor is the general promotional principle undermined by the permissive third paragraph, on identifying areas that could sensitive to tall buildings. In this case, the relevant development control criteria of the policy are met. The towers would create attractive landmarks enhancing London's character at this point on the river. In views along Chelsea Reach, especially from the bridges, the straight bank serves to emphasise and give focus to the bend. Whether or not they are aptly described as a 'cluster', Montevetro, the Power Station, the Belvedere Tower and the World's End Estate are all elements in the views to which the towers would relate.

7.46 While the third paragraph of Policy 4B.8 gives the option to Boroughs of identifying in UDPs areas sensitive to tall buildings, it is specific and rigorous as to the circumstances in which this should be done. The requirements of the policy are wholly consistent with the EH/CABE guidance.[A] RBKC UDP Policy CD6 simply does not conform to the

[A] Document CD151 – paras. 2.6, 2.7.

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

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

7.48 Thus, the Secretary of State did not accept the proposition that this is an area of particular sensitivity to tall buildings. There has been no material change of policy or anything else since he made that judgment which might indicate that it was flawed or should be different today. If anything, the construction of Montevetro has strengthened the 'association' or 'cluster' of tall buildings at this point.

A Document GLA/1/4 – paras. 5.9-5.12.
B Planning and Compulsory Purchase Act 2004, section 38(5).
C Document CD226.
D Document CD226 – Policy Recommendation SD5 – p.3.104 (underneath a labelled photograph of an area including the site).
E Document CD226 – p. 4.87 (third column) and p.3.38-39, leading to Policy Recommendation VL7.
F Document CD279 – paras. 95-96 of the Inspector's report.
G Document CD279 – para. 98 of the Inspector's report, expressly accepted by Secretary of State at para. 8 of his 'minded to grant' letter of 21.12.1995.

7.49 The EH/CABE guidance is not site-specific. Both bodies have, however, expressed support for the specific proposals,[A] having regard to the principles of that guidance. English Heritage (EH), in its first letter, described the location as 'appropriate, in principle for two tall buildings ... The landmark location at a major bend in the river and opposite Montevetro are also important considerations'.

7.50 London Plan Policy 4B.9 and RBKC UDP Policy CD37 are reconcilable since both call for an assessment to be made of any particular proposal. LBHF UDP Policies HO7, EN8 and EN9 are consistent for similar reasons.

7.51 London Plan Policy 4C.20 seeks high quality design for all waterside development. It expressly contemplates 'intensive or tall buildings' in such locations. Local character should be 'reflected', while meeting general principles of good design. This requirement must be intelligently applied in an area as diverse as that surrounding the site. The supporting text counsels against blandness.[B]

7.52 Assessed against the 4C.20 criteria, the scheme conforms. The mix of uses is appropriate and includes public open space next to river and creek. The development proposes major benefits in terms of integration of the surrounding areas with those features and enables the strategic Thames Path to be extended for pedestrians and cyclists. Its car-free layout will assist in this. Interaction with the public realm and human scale elements are achieved through the ground floor uses proposed in the power station and towers and through layout and detailing, together with the treatment of the creek and its adjoining park. The towers are recognised by both supporters and detractors to be potential landmarks, while the power station would be restored and preserved. The proposed materials would relate to elements in the power station, especially the use of terracotta, and the towers would relate interestingly in form and materials to Montevetro opposite. All of these aspects have been recognised and supported by CABE and EH.

7.53 The Mayor therefore strongly supports the towers as exemplars of his policies for tall buildings, contemporary exciting design and a compact city.

Conclusion

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

[A] Documents A/AS/A (Appendices 4-9) and G/7.
[B] Document CD174 – para. 4.120.

8 THE CASE FOR THE LONDON BOROUGH OF HAMMERSMITH & FULHAM

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

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

The LBHF UDP

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

PPG3

8.3 It is generally agreed that development of the whole of this brownfield site (within both LBHF and RBKC) should, in line with PPG3, be maximised, primarily for housing. Such maximisation must, of course, be in line with other policies and must respect the site's setting, its neighbours and the environment. The housing should seek to meet the needs of those within both the local and wider area, including those requiring affordable housing. And the overall development and other uses proposed should be sustainable.

8.4 The number of affordable units and the mix of family and non-family dwellings within the current proposals is considered appropriate, having regard to the policies within the UDP and the London Plan and to other material guidance and circumstances. The mix of affordable and private units, secured by the section 106 obligations, would be acceptable. Both the private and the affordable units would be of an acceptable standard.

8.5 Accordingly, LBHF considers that the accommodation that would be provided on its part of the site would be a welcome addition to the borough's housing stock. Taken together with the mixed, though predominately residential, development proposed in RBKC, the scheme is considered to offer a sustainable package which would properly regenerate this important riverside site and enable it to contribute appropriately to the area's urban renaissance.

PPS1 and PPG15

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

proposes two towers on a very important site, in what is recognised as a very sensitive area, abutting the River Thames. Both towers would be tall. The tower in LBHF would, on any definition, be very tall.

8.7 The intention is not to rehearse much of the evidence that has been given on these very important issues. The objective is to summarise and clarify the LBHF's position. A substantial reason for the need for clarification arises from some of the avenues explored in cross-examination by RBKC of LBHF's witness.

8.8 There was a suggestion that LBHF's position at the inquiry differed materially in some respects from the formal position set out in its committee report of June 2003.[A] There is no such conflict. In summary, LBHF's position is this. The site, both as a whole and the part within LBHF, is of strategic importance and in a very sensitive location. Any proposals to develop must respect the River Thames and the abutting conservation areas. Any development must respect its neighbours (predominately residential) and its wider setting, including the many important views. In any scheme which retains the Lots Road Power Station, that building must be respected and properly integrated. LBHF has addressed all these considerations and has concluded that the scheme is acceptable.

8.9 LBHF has long negotiated development proposals for the site. Its view is that the present scheme is a considerable improvement on earlier proposals. It is understood that, in many respects, the majority, if not all, of the parties to the inquiry endorse this view. But the impact of the proposed towers does not fall within that endorsement.

8.10 LBHF's assessment of the towers has been guided by UDP Policy EN9.[B] This criteria-based policy strongly reflects the guidance and policies in PPS1, PPG15, the London Plan and other regional and national documents relating to high buildings. Set against the criteria in Policy EN9, LBHF considers that, on balance, the towers are acceptable as part of the present proposals and, if built with appropriate and sensitive detailing, would enhance the conservation area and the riverside.

Conservation Area and Thames Policy Area

8.11 The first two criteria in Policy EN9 are that tall buildings will normally be acceptable only if they do not adversely affect the character of a conservation area or other areas such as open spaces including the river or riverside. LBHF considers that, subject to the appropriate detailing, such areas would be enhanced by the appeal proposals.[C] Paragraph 9.41 of the report to committee states:

'It is concluded that the development overall would make a significant contribution to the regeneration of this part of the borough. Officers consider that the scheme, built with appropriate and sensitive detailing (a matter which would be secured by means of the appropriate planning condition), would enhance the character and appearance of this part of the riverside.'

In reaching this position, LBHF has had regard to the views of CABE, English Heritage and the GLA. In his evidence, Mr Butler expanded upon the Council's approach.[D]

8.12 Clearly, the two towers would have a significant impact upon this sensitive and strategic site and its surroundings. The tower on the LBHF site (upon which the Council

[A] Document CD35.
[B] Document CD222 – pp. 88-89.
[C] See, for example, Document CD35 at p.172, para. 9.41, and Document HF1 at p.51, para. 11.28.
[D] Document HF1 – p. 44-51 (Section 11) in particular.

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

8.13 Whilst not regarding the towers in the vicinity as forming a cluster, LBHF does consider that there would be some visual linkage with the existing tall buildings in the area. The stepping up and down of the proposed towers opposite the sloping profile of the Montevetro building would provide a pleasing symmetry in some distant views.

8.14 LBHF's principal concern in relation to the proposed towers is their impact when viewed from the south and west. The visual effect would be for them to combine to create a unified bulk and form. It is in these views that the form would be less elegant and attractive. And it is with these views in mind that LBHF concludes 'that when applying a strict interpretation of Policy EN9, in particular with regard to the impact on the Conservation Area and the Thames Policy Area, the evaluation is finely balanced'.[A] Nevertheless, having carried out that balancing exercise, and weighing all material considerations, the judgment is that the development would enhance the character and appearance of the conservation area and the riverside.

Views

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

Lots Road Power Station

8.16 A further issue within the fourth criterion of EN9 is the effect that the development proposals would have upon the existing landmark building, the power station.

8.17 The report on the present application referred to certain earlier comments still 'being generally applicable'.[B] The earlier report embraced the assessment of the importance of the power station, the assessment (against the policy background) of the propriety of its protection and an analysis of the effect that the earlier proposals would have had upon it. It is fair for RBKC to impute the general applicability of earlier comments to the later report – so far as they relate to the assessment of the power station's importance and the propriety of its protection. However, LBHF does not accept that such imputation can be extended to the assessment of the present proposals – for three main reasons.

8.18 Firstly, throughout the assessment of the towers in the earlier scheme, the officers' report is very precise.[C] The wording, often repeated, is 'within the context of the excessive scale, massing and bulk of the overall scheme'. Secondly, the officers' report on the present proposals explains in detail the improvements which make the present scheme acceptable. Thirdly, Mr Butler's evidence to the inquiry has clarified and further explained the Council's position.

[A] Document CD35 – p.171, para. 9.39.
[B] Document CD35 – p.170, para. 9.34.
[C] Document CD35 – for example, pp.170-171, paras. 9.36-37.

8.19 The report on the present proposals states, in terms, that the reservations concerning the towers in the previous scheme have been addressed. 'Despite the retention of the proposed towers, it is considered that the conclusions reached regarding the tower in Scheme 2 have been substantially addressed in the revised scheme.' It highlights a number of ways in which reservations have been addressed. In respect of the relationship with the power station, examples are:[A]

- 'the switching of the relative heights of the towers' and 'the effect of moving the taller building away from the power station';
- 'The axial view along Thames Avenue would be a substantial improvement on Scheme 2 and would be enhanced by its continuation through the core of the site to Chelsea Creek. This view corridor ... would be ... focussed on the refurbished power station, thereby respecting its role as a local landmark.', and
- 'the proposed building blocks adjacent to the creek have, generally, been reduced in height ... and would no longer challenge its [the power station's] prominence as a local landmark.'

8.20 In this context, to suggest that paragraph 9.34 in the report in some way attributes to LBHF a 'formal' position that criterion four is not met because of the impact upon the power station is ambitious to say the least. The evidence to the inquiry in no way contradicts, but rather complements and clarifies, the Council's 'formal' position. It assesses the impact on the power station by means of the kinetic experience or unfolding sequence of views and concludes that the towers would be an appropriate landmark to draw attention to the bend in the river. At present, the riverside is empty at this point, with the power station abutting and relating to the creek, set back from the river.

8.21 LBHF does not accept RBKC's suggestion of confusion; neither does it accept that harm would be caused by what was described as 'layering landmark upon landmark'. LBHF's position is that the proposals would enable both the power station and the towers to make successful contributions as landmarks in their own right. And it agrees that the treatment of the power station would be very beneficial – refurbishing, revitalising, re-using and introducing permeability to a worthy building.

8.22 Such benefits are likely only to emerge from a high density residential development. It need not, perhaps, be this scheme – nor one of quite such high density. However, there is little likelihood of such a scheme comprising anything other than buildings of at least medium rise. Alternative schemes might well be of greater overall footprint than the present scheme. Perhaps they would crowd the power station more, reducing open space and competing with the power station. LBHF has been involved in discussions and negotiations to develop the site for many years. It has refused previous schemes, in part because of the potential impact on the power station. The current scheme is considered acceptable in this respect.

8.23 The power station, for many years, has acted as herald to the site and its industrial history. That stage of history has now passed and the power station awaits revitalisation as part of a residential regeneration. The two towers would herald the new era and introduce a dramatic contrast with the power station. That contrast would be reflected in the use of modern materials of a completely different nature. The vertical emphasis of the towers would contrast with the strong horizontal bulk of the power station and avoid the competition that would be offered by residential buildings of much the same height as the power station.

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

8.24 The power station and the towers would stand side by side to announce the new residential development. The power station would represent both the historic past and, hopefully, its successful regeneration into a modern residential development. The towers would signify the new.

8.25 The design and detailing would afford a distinct relationship between the towers and the power station. For example, the vertical effect of the layers of balconies, seen in more distant views as narrow vertical features, would visually reflect the chimneys of the power station. And the kinetic experience would reveal the two distinct landmarks. From parts of the residential hinterland, the towers would be seen over the power station. From those views, they would identify the position of the riverside when, at present, it is not possible, visually, to establish what lies beyond the power station. From some other views, the two landmarks would be viewed together; in some, the power station would be hidden by the towers.

8.26 But LBHF does not adopt Circadian's approach that, in all views, the development proposals would represent an improvement. It does have reservations, particularly in relation to views from the south and west. On the other hand, it does not consider that the obscuration of the power station in some views necessarily represents a planning harm in urban design terms.

8.27 Overall, LBHF concludes that the scheme would not adversely affect the landmark building, which would be refurbished and revitalised and, in many views, substantially enhanced. In short, the emblem of the site would not be a tired industrial building at the end of its useful life. Instead, the site would have twin emblems – a rejuvenated power station and the contrasting towers, symbols of the old and the new.

Albert Bridge

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

Final Three Criteria of Policy EN9

8.29 Of the remaining criteria, LBHF considers that, for reasons given both in the committee report and in evidence, and to a large extent already summarised above, the sixth (justification for landscape reasons) and eighth (carefully related to its surroundings) would be met.

8.30 It is also satisfied that the seventh criterion (wind speeds) would adequately be met by the developer's proposals to mitigate the scheme's effect on wind speeds at ground level.

Conclusion on PPS1 and PPG15

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

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

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

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

8.33 For these reasons, LBHF considers that the tower on the LBHF site would be acceptable both as part of the development of that site and as part of the overall proposals.

PPG13

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

8.35 In terms of the effect upon the wider highway network, LBHF adopts the approach of the GLA. It considers the proposals, including the public transport enhancements secured by the section 106 obligations, acceptable.

PPG17 and PPG9

8.36 The proposals adequately respect the advice in PPG17 and adequately accord with the policies relating to open space in the development plan. In the UDP, Site Policies 22 and 22A specifically relate to this site[A] – 22A indicates that the part of the site adjacent to Chelsea Creek in LBHF should be developed for residential use together with open space and a riverside walk; 22 recognises the benefit of enhancement of Chelsea Creek as an area of nature conservation and amenity, complementary to the River Thames. The development proposals accord with these policies.

8.37 LBHF recognises that UDP Standard 5A[B] (private open space) would not be met. At the same time, it recognises that the area specified in the commentary to site policy 22A as the most appropriate location for public open space (that of the oil storage tank) would be exceeded. Councillor Bird[C] has highlighted shortcomings in the amount of recreational space within the scheme, particularly for younger children and teenagers, but limitations on the provision of such space are often, unfortunately, a consequence of high density development.

A Document CD222 – pp.311-312.
B Document CD222 – pp.335-336.
C Para. 15.23 below.

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

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

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

Other material considerations

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

Conclusion

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

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

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

9 THE CASE FOR THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA

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

9.1 The proposals were presented with seductive care. But something is not quite right. The proposed towers are too tall for the context within which they find themselves. Towers of this height do not derive from any sensible contextual analysis of the site. Neither do they derive from the site's role in the area or in Greater London. Attempts to justify the towers on the basis of their relationship to clusters, relationships with other existing taller buildings or as gateposts to the Central sub-region of London are instructive – but misplaced. Towers of this height are not **necessary** to a sensible regeneration of the area; neither are they required to 'signify' what we are told is a new urban Chelsea enclave.

9.2 Inappropriate tall buildings on the River Thames have the potential to be very harmful. Here, in important views, the real height of the proposed towers is immediate, wholly apparent and in direct contradistinction with the openness and absence of development on the water. In their tallness on the this part of the river, they would be without precedent.

9.3 There is no site or area development plan support for buildings of this height at this location. The grant of consent for development of such height here would be *ad hoc* and unprecedented at an important and sensitive location. It would be harmful to important Thames and Thames-side views over a wide area of this part of West London.

9.4 Further, on any sensible analysis, the harm is greater. The proposed tall buildings would diminish the landmark status of the existing power station, one of the three great riverside power stations along the Thames. That diminution is harmful. The proposals before the inquiry have the support of English Heritage, CABE, the Mayor of London and LBHF. That **present** consensus does not mean that the impact of the development on the Thames and its surrounding area will not be looked upon by **future** generations with regret. Many of the arguments used to support these proposals for new tall buildings, including design quality, were previously put forward in favour of examples which are now regretted. The utmost care and caution must be exercised. The Secretary of State must approach these proposals with a fearless and independent frame of mind. A mistake of judgment in relation to a development of this scale and on a site of this importance would have implications of generational importance.

9.5 RBKC gave only a single reason for refusal of the application now at appeal. It must be remembered, however, that the limited nature of the case advanced by the authority is dependent upon a section 106 obligation being entered into consistent with the heads of terms identified in reporting the application to committee. At all material times, RBKC has taken the view that **all** of the contents of the section 106 obligation are necessary to any grant of consent and that they pass the tests in Circular 1/97. That the case addresses only the single reason for refusal in no way detracts from the weight to be afforded the RBKC case as a whole.

The harm that would flow from the proposals

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

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

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

Overall context

9.8 The site lies on the boundary of RBKC and LBHF. Neither authority is characterised by tall buildings or by an economic or other imperative for new, very tall buildings. The site is not visually or functionally connected with the inner urban areas of Central London, nor with its identified clusters of tall buildings. The site does not lie in an area identified in any strategic or local policy as appropriate for a tall building (or buildings).

9.9 The site is extremely sensitive to inappropriate development. As Sir Terry Farrell himself acknowledged, the positioning of the site at the apex of two very long reaches of the Thames means that the site is of great **visual** significance. As such, it is vulnerable to harmful development which is not in keeping or in character with this part of the river. A harmful tall building on this site is not one that it would be possible, easily, to walk away from or to ignore. It would be a reminder, a legacy, of an over-ambitious and contextually inappropriate approach to the site and to this reach of the river.

Impact on river views

Importance of the Thames

9.10 The Thames is, in its importance, **truly** iconic. The river, its shape, its openness, its bridges – they are all symbols of the London to be seen all about us. The river's importance derives from its history, its scale, its reservation of structural open space in the heart of London and its relationship with the important buildings along its banks.

9.11 That is a material consideration of the most powerful type. Significant harm to the Thames as an interest of acknowledged national importance should almost always result in a justified refusal of consent.

Views from upstream

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

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

9.13 The proposal has a profound impact upon these views.

9.14 From the south bank, the proposed towers would present their widest aspect to the river. The full width of the rhomboid's faces would be directed to the viewer.. And it must be remembered that the width of the towers is in excess of 40m. Proportion and mass are functions of, amongst other things, height and width. In the views from the upstream south bank, the proposed towers cannot be described as slender. They would have a stolidity giving them a presence – but an unattractive presence, hard up upon on the banks of the river.

9.15 The towers reach the sky in a way which would **emphasise** rather than diminish this stolidity. Because of the width of the elevation the treatment of the top of the towers beyond the articulated balconies has a top-heaviness which is particularly, though not exclusively, evident in the shorter of the two towers.

9.16 The towers would command and dominate the view without any rational townscape reason being apparent. Neither is there a perceptible or legible reason for the townscape pairing of such tall towers so close to each other. Chelsea Creek, even if it were to be considered to be an appropriate element requiring such signifiers, cannot be seen or understood from any part of this upstream reach.

9.17 And matters would be made worse from these important viewpoints when the bulk of each tower seems to move towards the other as the viewer travels further upstream. Ultimately, they would be seen to merge into one and, for a significant extent of the walk, would continue to overlap. The images do not allow the imagination, from any part of this important reach, to conceive of the towers as slender, elegant dancers moving around each other, as suggested by Sir Terry Farrell. Instead, when seen and perceived in profile, they would appear lumpen. They cannot echo, mirror or reflect the industrial slenderness of the power station chimneys in these views. If they be dancers, then they are in an unconvincing back-to-back embrace.

9.18 Neither can the argument be ranged in favour of this proposal that overlapping forms are an inevitable necessity when considering clusters or pairs of tall buildings. It is not that they would be seen to overlap in incidental views within a bigger, wider cluster (as with the Heron Tower and the eastern City cluster for example). Here, the towers are designed deliberately to sit and to overlap on a most important axis. Inevitably, they would be seen as an overlapping pair in views along one of the two long and key reaches of the river. Moreover, the form, materials, massing and roof treatment of the towers are entirely alien to the context of this part of the reach. They do not reflect the existing character of the reach or any part of it.[A] They would not establish a sensible or necessary relationship with the World End's towers to the east. And they would breach a clear and established datum height for the viewer in an inexplicable and unexplained way.

9.19 This harmful impact would be apparent to greater or lesser degrees for the entire stretch of the Thames path moving upstream on the south bank from opposite the site. And the extensions and additions to the path mentioned above are material considerations to which significant weight should be given. They mean that views from upstream towards the widest part of the towers are likely to become much more comprehensive.

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

Views from downstream

9.20 Views of the site from downstream are equally of importance. Their significance derives again from the length of the reach towards the apex upon which the site sits. But the reach's importance derives also from the undeveloped and sylvan nature of large parts of its banks and from the openness of the views afforded by the existence of the river itself and the listed bridges which cross it.[A]

9.21 Lots Road Power Station, at present, represents a familiar and appropriate punctuation to the long-distance views from Chelsea Bridge to the apex of the reach. The photographs presented to the inquiry all underplay the role it plays when viewed with the naked eye. Its position just at the end of the longest line of view is accidental but propitious. In contrast, the proposed towers would rise in an un-rooted and invisible way from beyond the apex of the reach. They would seem to fill the centre of the river with substantial built development of a type not apparent at present – with two harmful effects.

9.22 Firstly, the development would foreshorten the impression of the length of the reach, placing very tall development in the centre of the view, harmfully competing, for no sensible townscape reason, with the scale and visual focus of the river at this location. Secondly, it would make the river more difficult to read along this structurally important long reach. The legibility of the Thames is an important material consideration. From large parts of the northern embankment, with the proposed towers in place, it would not be clear whether they identified a north or a south bank, a Wandsworth or a Kensington location.[B]

9.23 Moreover, the modern, large, lit structures of the proposed towers would rise beyond the delicate structure of the grade II* Albert Bridge, clearly detracting from its setting. A particularly notable part of the attraction of the Albert Bridge and its setting is its night-time appearance. It is lit in the evening and at night with a myriad of white bulbs which, as well as being attractive, significantly add to the romance and delicacy of the bridge as an important Thames structure. These views, often chosen as night-time symbols of London and the Thames by filmmakers and others, are, at present, largely unaffected by the existing structures during the hours of darkness. That would not be so in the future. The towers would be lit and are designed to be animated features, high on the skyline. The towers would rise above and behind the important night-time view of the bridge in a harmful and distracting way.

9.24 Because the embankment route along this reach is largely linear, and lacking any bends, the axial views of the towers will alter only slowly as the viewer travels west. And because the views are relatively slow-changing, the impact of the proposals would be far more than ephemeral or fleeting.

Close-to Thames impacts

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

[A] Document A/RT/A – Views CP1 and CP3 (pp.RT/3-2 and 3-4)
[B] Document CD58 – para. C1.146 appears to concede this.

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

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

Impact on Lots Road Power Station

9.27 Lots Road Power Station is undoubtedly an important visual landmark on this reach of the Thames. It is identified as such by every relevant witness for the applicant. The importance of the retention of the power station to the overall master planning of the scheme was very clear from the presentation of Sir Terry Farrell. It is a central premise of the proposals.

9.28 The land use planning drawbacks of the power station are obvious, well known and predominantly relate to its lack of permeability and its impact on the planning grain of the area. If these more landward planning limitations can be overcome by an imaginative scheme, there can be no further planning purpose to be served by the demolition of a building which otherwise serves an important Thames-side landmark function. Sir Terry Farrell's proposal for the power station and its integration into the Lots Road triangle is imaginative. Indeed, it is probably fair to describe **this** part of the scheme as visionary. It would retain the power station while removing the vast majority of the planning harms associated with the scale of the building.

9.29 If the Power Station is to remain, as in these circumstances it clearly should, its undoubted landmark function should also be adequately recognised by the proposal. This proposition was accepted by the applicant in terms and is said to be a central and important part of the master plan. If and in so far as the proposal fails adequately to recognise the landmark status of the power station, or harmfully diminishes or belittles it, a central and underlying premise of the proposal will thus have been undermined.

9.30 Why is the power station an important Thames landmark? 'Two aspects of the site mark it out as a place of not only local importance but also of metropolitan significance. Firstly, the power station itself is one of only three buildings of its type along the Thames in central London; massive reassuring structures that generated the power for London and symbolised the city's strength. They are all historic London landmarks.'[B] 'The power station, the landmark building situated on the site, is one of the three buildings of this type along the river in central London and it has significant historic interest ... It is a landmark building partly because of its previous use and the role it has played in the history of London and partly because of its physical prominence.'[C] 'As a symbol of the stalwart qualities of London and its inhabitants and as a symbol of innovative design,

[A] Document A/RT/A – Views CP7, CP8 and CP9 (pp.RT/3-8 – 3-13) in particular.
[B] Document A/TF/P – para. 2.2.13.
[C] Document A/TF/P – para. 3.5.1.

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

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

Analysis of the impact on the power station as a landmark

9.32 The existing landmark has been correctly identified in the applicant's evidence as stalwart, heroic, impressive, of physical prominence on the river. The power station was accepted by Sir Terry Farrell as having a grand horizontality.

9.33 There is no policy or other support for the suggestion that there is a **requirement** for a further landmark or landmarks upon this site.

9.34 Conceptually, the idea of an existing powerful, iconic river landmark being successfully supplemented by other, different, physically and functionally distinct landmarks is a difficult one. By definition, there is inevitably the risk that providing more than one landmark at or about the same location will result in competition between landmarks and/or domination of one landmark by another. 'Since the use of landmarks involves the singling out of one element from a host of possibilities, the key physical characteristic of this class is singularity, some aspect that is unique or memorable in the context.'[D] The emphasis is on 'singularity'.

Impact of the layering of landmarks

From upstream

9.35 From important viewpoints of the existing landmark upstream, the proposed towers would significantly and substantially compete with, hide and dominate the existing power station. From the key location at Old Swan Wharf,[E] the power station would be all but obscured. The remaining view of part of one of the chimneys would emasculate the power station as a landmark. There is a competition here which would be won, unsurprisingly, by the taller buildings. Even the sturdy towers of the World's End Estate cannot come close to competing with the stolid presence of the two proposed towers in these views.

9.36 This impression of dominance and harmful competition continues further upstream – and for a long way upstream. Again, these views will become more important as the Thames path extensions take effect. The suggestion that in these views the power station would remain 'an iconic and familiar' landmark is not sustainable.

A Document A/TF/P – para. 3.6.1.
B Most easily seen in Document A/RT/A.
C Document A/TF/P – para. 3.6.2.
D Document CD157 – Image of the City, Kevin Lynch, p.78.
E Document A/RT/A – for example, View RT2.

From downstream

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

From the axis of the creek

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

Generally

9.39 The proposed towers, by reason of their height and bulk, would dominate the existing and essentially horizontal Thames-side landmark. They would not and could not act as a foil to the power station. They are of a completely different mass and scalar relationship.

9.40 It is inconceivable that the other iconic and historic power stations on the Thames would be treated in this way. Recognition of the force of this argument led to a retreat from the association of Lots Road with Bankside and Battersea and an unjustified downgrading of the importance of the Power Station by Circadian. The clear and consistent association of the Lots Road Power Station with the other 'historic landmarks' in Sir Terry Farrell's proof of evidence had already been identified. The attempts to distinguish Lots Road from Battersea and Bankside in his PowerPoint presentation were entirely new and unconvincing. Lots Road Power Station is clearly a **river** landmark of key importance, not just a feature on the creek.

9.41 Just as Bankside and Battersea, Lots Road is consistently described as an important **river** landmark in various policy and character appraisal documents. It is closer to and more directly related to the river and wider river views in key views than ever Bankside is. The fact that Lots Road has its axis along the creek adds to its power as a familiar river landmark at the apex of the two long reaches. It gives the horizontality of the power station a familiar directionality, the front façade facing upstream, the gable downstream.

9.42 Even if there were some distinction to be drawn between Lots Road and the other great power stations, that cannot justify the belittling of what is recognised as a landmark and the confusion of landmark elements that would be occasioned by these proposals. And yet, this belittling and confusion is not essential to any redevelopment. The important parts of the views are capable of being substantially retained. Careful and imaginative placing of future development could ensure that the key horizontality of the building, surmounted by its chimneys, would remain an important Thames-side landmark.

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

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

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

Impact on the Lots Road Triangle

9.44 Away from the water, the residential area of the Lots Road triangle is modest in scale and ambition. As a matter of chronological fact its construction predates that of the power station. The impact of the towers upon this residential area is obviously an important material consideration.

9.45 The proposed towers have self-avowedly been designed to sail, armada-like, into the view of the downstream observer, presenting their narrowest, bow-led profile to that reach of the river. As already noted, this means that the widest and least elegant parts of the buildings would be presented to the upstream observer. On the landward side, the Lot's Road triangle, which sits to the north of the proposed towers, would also be presented with the rhomboidal forms at closest to their widest.

9.46 From the triangle, three features would combine to make the impact on the triangle unacceptable. Firstly, the width of the towers, especially given that only their upper parts would be visible, would dominate the smaller scale of the residential community. The ability to appreciate any potentially ameliorating effect of height upon bulk would be lacking because only the upper, and thus rather squat, parts of the buildings would be visible. Secondly, the towers would be seen in very close proximity to each other. From significant parts of the triangle, they would be seen as touching or overlapping. Thirdly, the towers would present their north and darkest faces to the triangle. In the shade, even the clearest specification of glass can have a brooding moody presence not seen in the main photomontages presented to the inquiry.

Impact on Brompton Cemetery

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

Overall conclusion on visual impact

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

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

Policy

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

EH/CABE Guidance on Tall Buildings[A]

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

Planning for tall buildings

9.51 The guidance is clear that both English Heritage (EH) and CABE 'strongly endorse' the positive plan-led approach to the location of tall buildings. It is clearly identified as a desirable, logically and chronologically prior stage to the evaluation of an individual building. The guidance advises that a development plan-led approach to tall buildings enables areas appropriate for tall buildings to be identified in advance within the local development plan or framework, enables proper consultation at the plan-making stage on the fundamental questions of principle and design and sets out an overall vision for the future of a place.[B]

9.52 This site has **never** been identified through the development plan process as within an area appropriate for tall buildings – not surprisingly when account is taken of its location and function within London. Although highly visible, the site is not located in a functionally significant location in land-use planning terms. Nor is there any spatial or locational support for tall buildings at or near this site. Indeed, all limbs of development plan policy indicate the lack of suitability of the site for tall buildings.

9.53 This is an important, indeed critical, part of the overall assessment of the proposals. Neither EH nor CABE appear to have grappled with this element of their own advice in their consideration of the proposals. The merits of the proposal appear to have been considered by both in a virtual vacuum of locational planning and spatial policy. That is a shame – because it runs contrary to clear advice on the importance of the development plan-led approach and community involvement.

Evaluation of tall building proposals

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

[A] Document CD151.
[B] Document CD151 – para. 2.5.

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

9.55 But it goes further. If RBKC's analysis of the merits of the proposal set out above is accepted in whole or in part, it will be found that the proposal fails adequately to respond to its context in terms of topography, height, urban grain, streetscape, riverscape and effect on the landmark power station and skyline. It will therefore fail to satisfy the terms of the Guidance.[A]

9.56 If that arises, it is a failure of the most significant kind. Each and every relevant witness at the inquiry conceded that, if RBKC's criticisms were accepted, then that failure would go to the heart of the scheme. Planning permission should be refused.

The London Plan[B]

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

Broad development strategy

9.58 In broad terms, the Plan promotes London as an exemplary, sustainable World City. The overall strategy is for growth. A key objective is to direct and accommodate that growth in a spatially sensible way, consistent with London's international, strategic and capital city role. In order to achieve this in a rational and coherent manner, London is split into five sub-regions. The application site straddles the West London and Central regions.

9.59 The broad development strategy is to identify how the spatial plan is to accommodate significant growth in ways that respect and improve London's diverse heritage. The Mayor has concluded that this will best be achieved by, amongst other things, 'recognition of the government's and the wider regional priority for regeneration of East London ...', 'further developments in the Central Activities Zone (CAZ) and associated Opportunity Areas to intensify and accommodate substantial growth particularly in economic activity' and 'major development in other Opportunity Areas, with an overall priority to the east of London along the Thames Gateway ...'.[C] The strategic priorities for Central London include the identification of areas suitable for tall buildings.[D] There are policies dealing with development in the CAZ, the Opportunity Areas, the Areas of Intensification and the Strategic Employment Zones. There are also specifically defined areas already identified as suitable for tall buildings.

9.60 The Lots Road site does not fall within any of these and does not lie within any of the specifically identified main growth areas either. No Sub-Regional Development Framework (SRDF) has been published indicating the suitability of the site for tall buildings. Moreover, the Mayor was able to say that none of the SRDFs in draft had considered it appropriate to identify the site as an appropriate one for tall buildings, even though other locations had been identified in accordance with the strategic objective.

A Document CD151 – specifically, criteria i), ii) and iv) in para. 4.6.
B Document CD174.
C Document CD174 – para. 2.3.
D Document CD174 – Chapter 5.

9.61 Indeed, the functional importance of the area in which the application site sits, at least in part, is specifically dealt with in one particular paragraph of the London Plan. 'Outside the main growth areas, Central London is characterised by a mix of residential and other activities, which relate better to the local economy and communities than to the national, regional and international roles of activities prevalent in the Central Activities Zone. This plan contains policies to protect and manage these local, smaller scale land uses and activities, recognising the contribution they make to the character of Central London and the often acute development pressures they face. Accordingly, boroughs should resist large-scale redevelopment in the Central London sub-region outside the Central Activities Zone, Opportunity Areas, Areas for Intensification, SELs and town centres.'[A]

9.62 That paragraph gives a very clear feel of the functional importance and proper, planned vision of the area of the application site within Central London. Nothing in the West London sub-regional strategy suggests that a different approach would be appropriate on the other part of the site. The site lies outside the CAZ and is not an Opportunity Area, a Zone for Intensification, a town centre or in an area identified as suitable for a tall building. Neither is it a transport hub or other site identified as appropriate to be marked by an exceptionally tall landmark building.

9.63 This characterisation of the site through the London Plan is in significant contra-distinction to the site of the Vauxhall Tower, for which the Secretary of State has indicated he is minded to grant consent.[B] In that case, the Inspector had to consider whether the site in Vauxhall was of such strategic significance as to call for a landmark structure of the height proposed. He concluded that it was not and recommended that the application be refused. In particular, he was of the opinion that the effect of the very tall building proposed would be to draw more attention to the location than was merited by the nature of the uses on the site and the contribution of Vauxhall to London as a whole.

9.64 The Secretary of State, in what was clearly a finely balanced overall judgment, disagreed with this conclusion but what he had to say about the locational importance of the Vauxhall site is very instructive. He obviously accepted the need for a clear and proper relationship between the functional importance of the site and its marking with an extremely tall landmark building. He felt able to say that Vauxhall was sufficiently important to be so marked by reason of the fact that that site would be visible from many points within central London, had perceptual and physicals links with central London which would be enhanced, lay at the edge of the CAZ, lay at the heart of an Opportunity Area and in a Regeneration Area, lay at the entrance to the central area of the capital and was a transport node of some significance at a major crossing point of the Thames.

9.65 This combination of attributes, or anything remotely sufficient to mark the site out in policy or functional terms as suitable for an extremely tall building, is conspicuous by its absence in the present case.

9.66 This was recognised by the proponents of the scheme. It led to the proposition that, had the Mayor been truly aware of the nature and scale of the development achievable at and about this location, then he **might** have identified the site as an Opportunity Area. And it was also suggested that the site constituted one of the last and largest brown field housing sites on the Thames. Neither of these suggestions should be given significant weight. As a matter of fact, the site is **not** identified as an Opportunity Area, or indeed

[A] Document CD174 – para 5.48.
[B] Document A/13 comprises the Inspector's report and the Secretary of State's letter of 31/3/05.

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

9.67 And then there is the gateway argument. Notwithstanding the fact that it had not been mentioned by any relevant witness in support of the proposal, including the scheme's architect, the case advanced in cross-examination of RBKC's witness was to the effect that the site would act as one of a pair of riverine gateposts to the Central London sub-region. The argument was faintly familiar. Part of the case for the applicant in favour of the Vauxhall Tower is recorded in the Inspector's report as being, 'The SGW development stands as a gateway into London's central area, where the River Thames enters this part of the city. ... The only comparable location would be the area of Tower Bridge where the Thames leaves central London'.[A]

9.68 It is a bad argument so far as the Lots Road site is concerned. The sub-regions in the London Plan are drawn for administrative convenience rather than topographical reasons of legibility. They are based on boundaries drawn for other purposes and are meant in land-use planning terms to be 'permeable'.[B] The identification of a Central London sub-region for the purposes of the London Plan is not meant to reflect a congruity with central London as normally understood (as relied on in the Vauxhall Tower inquiry). The sub-region reaches as far south as Streatham and much further west than Putney. It is massively diverse, topographically and functionally. On the south bank of the river, the boundary of the Central London sub-region is actually many miles further west,[C] which illustrates the artificiality of the argument.

Conclusion on strategic policy

9.69 There is no support for an exceptionally tall building at this location. The site does not lie within the CAZ, an Opportunity Area, a zone for intensification or regeneration, a town centre or any other growth area. Neither is the site a transport hub. It has a PTAL of 2 and would achieve only 3 by 2012.

9.70 The site's position on a sweeping curve of the Thames makes it visually prominent and sensitive to impacts on the Thames – an argument **against** inappropriate and inaccurate marking of its importance. Functionally, the site is, in comparative terms within London, not important enough to require signalling with two of the capital's tallest buildings.

London Plan Policy 4B.8[D]

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

A Document A/13 – the Inspector's report at para. 6.12.
B Document CD174 – para. 5.3.
C Document CD174 – Map 5B.1 (p.227).
D Document CD174 – p.173.
E See, for example, Document A/RT/P at para. 2.55.

9.72 The first part of the policy gives no specific locational advice at all. It provides that the Mayor will promote tall buildings – but only in a series of generalised circumstances **and** where 'they are also acceptable in terms of design and impact on their surroundings'. This is ground-breaking policy. It is consistent with the general position advanced through the EH/CABE guidance and with the previous LPAC advice on tall buildings, which was adopted by government.[A] The policy deliberately does **not** represent a generalised promotion of all tall buildings. Moreover, all tall buildings fall to be judged on their merits against Policies 4B.1, 4B.3 and 4B.9 – and, of course, other relevant policies of the Plan.

9.73 When judged against these specific policy tests, the proposal fails on its merits. In particular, if the case advanced by RBKC is accepted the towers will be found:

- to provide a landmark in the wrong location and in a way which unacceptably harms the surroundings (contrary to 4B.8),
- to fail to be suited to their wider context in terms of proportion and composition and in terms of relationship to other buildings and the river (contrary to 4B.9),
- to fail the test of being attractive city elements when viewed from all aspects (contrary to 4B.1 and 4B.9) and
- to fail to provide a development compatible with its local context (contrary to 4B.3).

9.74 This failure of policy on the case advanced by RBKC is clear and unambiguous and can be identified without, at this stage, any reference at all to UDP policies. As all parties' witnesses clearly and unambiguously agreed, breaches of policies of this nature go to the heart of the case. If RBKC's case is accepted, a refusal must follow.

9.75 The policy only begins to turn to specific locations in its second part. What it says about such locations is not helpful to supporters of this proposal. It provides that 'the Mayor will work with boroughs and the strategic partners to help identify suitable locations for tall buildings that should be included in UDPs and SRDFs. These may include parts of the CAZ and some Opportunity Areas'. But the site is not identified as suitable within the UDP; nor has it even been considered appropriate to identify it within a draft of any SRDF; nor is in the CAZ; nor has it ever been in an Opportunity Area.

9.76 The third part of the policy identifies the potential for boroughs to identify within their UDPs areas of specific character that could be sensitive to tall buildings. Specific guidance is given on how such areas of specific character are to be identified and explained. In particular, boroughs are told that they should clearly explain what aspects of local character could be affected by tall buildings and why.

9.77 Proponents of the scheme argued that since the RBKC UDP pre-dated this provision, and since its policies could not and did not have regard to the contents and requirements of the London Plan, then no weight could be given to any UDP policy identifying an area where tall buildings would not be allowed. In these circumstances, they argued that the London-wide presumption in favour of tall buildings therefore applied to the site.

9.78 The true position is this. There is no London-wide 'default' promotion of tall buildings at all locations. The London Plan admits of the potential for areas of the capital to be sensitive to the impact of tall buildings and it is clear that, in such areas, the Plan itself accepts that tall buildings would be inappropriate and unacceptable.

[A] Document CD185, para. 4.1.

9.79 The advice to identify areas not suitable for tall buildings through UDPs is not new. It is advice given in terms by Government in November 1999.[A] It simply cannot be that, in all areas where presumptions against tall buildings in UDPs whose adoption predates the London Plan, there is now an 'open season' for tall buildings unless and until new urban design policies are in place to reconfirm the restrictions.

9.80 The acceptability or unacceptability of tall buildings in a particular location will anyway be determined, at least in part, through a consideration of the criteria in Policies 4B.8, 4B.1, 4B.3 and 4B.9. If a proposal clearly fails when judged against these policies, consent can and should be withheld, even without reference to specific UDP restrictions.

9.81 The weight to be given to a UDP provision restricting tall buildings will be judged in the context of each case. Where a townscape analysis of a proposal is undertaken during the consideration of a case and discloses harm to the surrounding area by reason of height, there will, consistent with the aims and objectives of the London Plan, be good reason both to refuse consent on the basis of the 4B policies and to give the restriction in the adopted UDP significant weight, notwithstanding that it pre-dates the London Plan.

Conclusion on Policy 4B.8

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

London Plan Policy 4C.20

9.83 Policy 4C.20 is a design policy that is directly applicable to the appeal proposals. It is applicable in addition to policies 4B.8, 4B.1, 4B.3 and 4B.9. It is a policy which governs development, including tall buildings, on the river. Its terms are different from those which apply other than on the Thames. In particular, there has been a specific choice to require waterside development to 'reflect' local character – a test that does not apply away from the water. This is a deliberate policy position reflecting the different land use planning principles that apply on the river.

9.84 In particular, all development, including intensive or tall building, is required to 'reflect local character' and, if providing landmark development, to do so in ways which 'provide orientation points and pleasing views without causing undue harm to the cohesiveness of the water's edge'.

9.85 The proposals fail to meet the requirements of this policy. In particular, the two towers do not begin to 'reflect' local character. They are, in terms of height, impact on the river, impact upon the existing landmarks, materials and finishes and general disposition, reflective of nothing which exists in the general location. Of course, use of the term 'reflect local character' in a land-use planning document does not require slavish replication of the existing pattern of development. But it cannot be argued that the two tall towers in these proposals reflect the local character of the area. And the failure to do so is a harmful departure from local character. This part of the policy is breached.

9.86 Further, from many of the downstream views, the proposals would tower above the Wandsworth bank of the Thames in a visually confusing and disorientating manner.

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

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

9.87 From upstream, the views of the towers appear lumpen and out of place. The views are not pleasing, as required by the specific waterside policy. Accordingly, this aspect of the proposals also fails the relevant policy test.

9.88 The requirement for landmark buildings not to cause undue harm to the cohesiveness of the water's edge requires further consideration.

9.89 The concept of visual cohesiveness on the river's edge was introduced in the Thames Strategy.[A] Its design guidelines proposed that 'disruptive building silhouettes should be avoided as they destroy visual cohesion'. Coincidently, a photograph of the Lots Road site, of all sites on the Thames, is relied upon as exactly the type of area where the visual cohesion of the river is important. The adoption of a test on harm to the cohesiveness of the water's edge is a very important material consideration – and one that cannot merely be set aside or ignored. On any view of the evidence, there would be a significant impact upon the visual cohesion of the Thames in the location of the development. The tall towers in particular will deliberately punch through the general level of building height and mass along the river to such an extent as to mean that there will be no cohesive approach to the water's edge here. The harms that flow from this are documented above. This important element of the policy is thus breached.

The RBKC UDP[B]

9.90 The adopted UDP contains a locationally specific policy which, on any interpretation, applies to the application site. It requires 'any development on the riverside to preserve and enhance the waterfront character, protect or improve physical and visual links between the river and the rest of the Borough and be of a height no greater than the general level of existing building heights to the east of Blantyre Street'.[C] The proposed towers are self-evidently higher than this.

9.91 Policy CD6 is clearly breached. And it must be clear that, if any weight is to be given to the policy, the application is likely to fail. The place of CD6 in the decision making process must therefore be clearly understood.

9.92 So too must the case advanced by RBKC. It is to the effect that the proposals are unacceptable when judged from first principles and that they fail when judged against any sensible policy matrix, including that set by the London Plan. This is so even if no weight is given to CD6. Thus, while Circadian is forced to argue that CD6 should be given no weight if it is to have any prospect of success, RBKC does not in any way rely upon weight being given to CD6.

9.93 Nevertheless, RBKC's position is that significant weight should be given to CD6. It contains a judgment about the sensitivity to tall buildings of the area in which the application site sits which is consistent with every piece of published urban analysis undertaken to date and which has never previously been called into question. It is consistent with a proper consideration of the merits of the proposal and the aims and

---

A Document CD284.
B Document CD199.
C Document CD199 – Policy CD6, p.56.

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

9.94 Both the Thames Strategy 1999[A] and the LPAC Guidance[B] indicated that due to the 'predominantly small scale and residential nature of adjoining areas', opportunities for high buildings for the entire stretch between Putney and Vauxhall Bridge were 'very limited'. The LBHF UDP specifically identifies its riverside sites as not normally appropriate for tall buildings.[C] That is supplemented by the Sands End Conservation Area Profile,[D] which says that new buildings should not compete with existing landmark features and that new development should form a transition between the existing low and high development, the latter of which should be seen as an exception.

9.95 The Thames Strategy Kew to Chelsea[E] deserves special consideration. It specifically identifies the impacts of the Somerset Estate, Montevetro and the World's End estate as intrusive in relation to the setting, skyline and backdrop of the historical waterfront at Chelsea – exactly the tall buildings relied upon by Circadian as setting the tone for the proposed very tall towers. It contains a policy recommendation that there be a consideration of the possible replacement of the high-rise buildings specifically identified as intrusive to this stretch of the waterfront. The prospect of these buildings being removed or of the adoption of the policy recommendation by the relevant authorities is, of course, irrelevant to the clear judgment made that this stretch of the Thames is sensitive to the impact of tall buildings and has been harmed by existing tall and intrusive buildings. That judgment is entirely consistent with the aims and objectives underlying CD6. If the height of these identified buildings is intrusive in relation to the setting, skyline and backdrop of the historic waterfronts, then it is inconceivable that the proposed towers would not also impact harmfully.

9.96 These conclusions are particularly notable for it is elsewhere in this document that the promoters of the proposals allege that they find positive policy support for the existence of a tall building on the site. It was suggested that, because the site was identified as within a 'development and regeneration hub or focal point', then it was appropriate as a location for a tall building. This is a poor point.[F] If the advice in this 'strategy' is to be relied upon as weighty, it can only be if relied upon as a whole.

The Development Brief

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

---

A Document CD284.
B Document CD185.
C Document CD222 – para. 4.92.
D Document CD225 – paras. 6.12 and 6.15.
E Document CD226.
F Document CD226 – Policy Recommendation SD5 (p.3.104) says that UDPs should highlight 'development and activity hubs as the preferred location for landmark and high buildings, subject to environmental considerations and impact on the local area and strategic and local views. So each 'hub' falls to be considered on its own merits, in the context of the local area, as a potential tall building location. Given that the area around the site has been identified as sensitive to the intrusive impact of tall buildings, and that there is a policy ideal to seek the potential replacement of existing tall buildings because of their intrusiveness, it is hardly likely that this is one of those hubs that could rationally be identified as a preferred tall building location.
G Document CD206 – Whether it is a Development Brief or SPG is a sterile debate. Both PPG12 and the former Local Plan welcome the preparation of development briefs. PPG12 calls a development brief a form of SPG. This document was produced in accordance with the guidance in PPG12. It was prepared to be supplementary to the previously adopted plan but has been incorporated in terms in the UDP – see p.366 of Document CD199.

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

9.98 The main relevance of the document is that it was clearly informed by a detailed consideration of the opportunities and constraints offered by the site in urban design terms.[A] The upshot of this was, yet again, a conclusion that the site was not appropriate for tall buildings, particularly of the height proposed.[B] Moreover, a judgment was made that the wider harmful impact of the power station building on the ability to integrate the site with its hinterland was such as to outweigh its townscape benefits as a landmark.

9.99 Even so, the judgment was made that, if the power station were kept, it would form 'the dominant landmark on the site to which all other new buildings should be subordinate in height.'[C] The brief is not internally inconsistent; it offers guidance in the event that the power station is to be demolished and alternative guidance in the event that it is to be retained. If it is to be kept, the guidance is that the power station's landmark status should be maintained and other buildings should be subordinate. The proposals do not do this and are thus harmful.

Consistency with the London Plan

9.100 The London Plan recognises that there will be parts of the capital which, as a matter of fact and judgment, are inappropriate for tall buildings. It also accepts that such areas can and should, in principle, be protected from the impacts of tall buildings. If the conclusion is reached that the area around this site is one that, as a matter of fact and judgment, is sensitive to the impact of tall buildings in principle, then it would clearly be right to give weight to Policy CD6 and its prohibition of buildings higher than the general level of existing buildings in the vicinity.

9.101 Policy CD6 can, in these circumstances, legitimately be seen as of continuing relevance. Appropriate weight should be given to the site-specific guidance it gives. The fact that it is of some age does not necessarily rob it of all relevance. The fact that contemporary analysis confirms and underpins the aims and objectives of a policy is not merely coincidence; it is also reason to give continuing weight to the policy.

Conclusion on the RBKC UDP

9.102 Policy CD6 identifies an in-principle opposition to tall buildings at the appeal site. To claim that it is now robbed of any significant weight is to bring the development plan process into disrepute, particularly when there is otherwise not one scintilla of policy support for a tall building at this location in principle. Moreover, the continuing relevance of the presumption against tall buildings is capable of being validated by the urban design analysis undertaken for this inquiry. If, having regard to the evidence the the site is found to be sensitive in principle to tall buildings, that will be a good reason for investing CD6 with significant weight.

9.103 Of course, irrespective of his conclusion on CD6, if the Secretary of State were to take the view that these proposed buildings, of this height and configuration, are not

[A] Document CD206 – paras. 1.7 *et seq*, 2.10 *et seq* and 2.24 *et seq*.
[B] Document CD206 – paras. 2.31/32.
[C] Document CD206 – paras. 2.32.

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

Other material considerations

Benefits of the scheme

9.104 The scheme brings many benefits – but their place in the decision making process must be considered with great care. The existence of benefits is not always an answer to legitimate concerns about a development. All relevant witnesses for the proponents of the scheme accepted that, if the proposal brings significant harms of the nature identified by RBKC, then the proposals should be refused notwithstanding their benefits.

9.105 The main reason that the benefits of the scheme cannot outweigh the significant harms identified is that those benefits are not capable of being achieved solely and exclusively through the scheme with the two proposed towers. Thus:

- it is no part of the appellant's case that an appropriate number and mix of housing or affordable housing units on the site is dependant upon the tower elements of the proposal;
- it is accepted that an appropriate density can be achieved on the site without the towers;
- it is accepted that appropriate levels of open space, nature mitigation and landscaping could be achieved without the tower elements;
- the permeability of the site to the hinterland from the river does not need the towers;
- the overall regeneration and redevelopment of the site is not and is not said to be dependent upon the towers – a delay in the site's regeneration is no good reason to inflict significant harm upon the area by reason of inappropriate development, and
- no case on the need for the towers based upon economic viability is made on behalf of the appellant.

9.106 The existence of a fallback was advanced in the proofs of evidence on behalf of the appellant. It was said that another benefit of the proposal was that the grant of consent for this scheme would avoid the construction of a previously approved scheme on the LBHF site (Chelsea Harbour phase 2). However, all relevant witnesses accepted that, if there was significant harm caused by these proposals, they should fail, notwithstanding that the extant permission for an inferior scheme on the LBHF could be implemented.

9.107 The fallback is, in any event, a material consideration only if there is a reasonable prospect of it coming about. Even then, the weight to be given to it is entirely a matter for the decision maker. In this case, there is little or no prospect of the fallback coming about. The fallback consent has been extant for many years but, for market and other reasons, Circadian has drawn up a comprehensive scheme of development which is both different and distinct. Circadian is described as an enlightened developer. There can be no doubt that a refusal will be read, understood and reacted to accordingly. Thus, if the towers are found unacceptable but much of the balance of the scheme is to be applauded and supported, it is unthinkable that Circadian would simply revert to a position it has previously abandoned.

9.108 If, contrary to these submissions, there is thought to be a reasonable prospect of the fallback coming about, it must be remembered that it relates only to the LBHF site. It is a development which, as recently as 2003, was confirmed as appropriate in townscape terms to its location. There is no reason why an appropriate redevelopment of the RBKC

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

The position of LBHF

9.109 In September 2002, officers were able to conclude in respect of a previous application that the height of the proposed towers had not been satisfactorily justified in townscape terms on a site sensitive to the impact of tall buildings, that the towers would confuse and spoil the composition and elegant silhouette of the grade II* listed Albert Bridge, that they would crowd the power station and that, further west, where they would merge in mass and form, they would have a detrimental visual impact on this part of the riverside.[A] These are fundamental harms, all of which led (as they should have) to a resolution to refuse consent.

9.110 There has been no fundamental alteration of the scheme relevant to these issues. The switching of the towers does not rationally alter the concerns at all. All, therefore, remain – and are entirely consistent with the case advanced by RBKC.

9.111 In the report to committee which led to the LBHF resolution to grant consent, officers restated these concerns as being still generally applicable. In these circumstances, the resolution to grant consent is surely inexplicable. In truth, these key concerns, all of which stem from the overall height, shape and position of the towers, have not been addressed at all by the present proposals. Accordingly, the position of LBHF is not an easy one to defend and can be afforded little weight.

Overall conclusion

9.112 The Secretary of State has been supportive of tall buildings in the right location. The Heron Tower will stand at the heart of the north eastern City cluster, an obvious and planned place for a further tall building. The Shards of Glass will stand above one of London's busiest transport interchanges, within sight of the heart of the City's financial district in the middle of central, central London. Again, the case for a tall building was reflected in the proper planning framework for the area.

9.113 The Vauxhall Tower has proved to be much more at the margins of acceptability. An experienced Inspector has concluded that the importance of the area did not call to be marked by a tall tower. On balance, the Secretary of State found sufficient in the location, its relationship to central London and transport interchanges, and its identification as an Area of Opportunity to warrant such a statement.

9.114 But Lots Road and Chelsea Creek do not come close to being important enough to be marked with buildings of the height and type proposed. They simply do not belong here. And, perhaps because of this spatial dislocation, the buildings proposed would cause harm to the character of the Thames, this far upstream. They would not sit easily alongside an existing, much lower landmark and would be inconsistent with the scale of the Lots Road triangle and the enjoyment of Brompton Cemetery.

9.115 The proposals stand on the wrong side of the line of acceptability when it comes to the consideration of tall buildings. Consent should be withheld.

[A] Document CD46A – pp.138-9.

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

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

10.1 CHRA welcomes the principle of development of the inquiry site, the RBKC land as well as the LBHF land in Chelsea Harbour Phase 2. The regeneration of derelict land is obviously to be welcomed. Development must, however, be understood in context. The site is defined by Lots Road Power Station, one of just three power stations along the Thames in London. It is a landmark of enormous historical, cultural and social significance. Bringing the site back into useful occupation must be carried out in a sustainable way which respects the characteristics of the local environment and ensures the success of the development. Moreover, the surroundings of the site suffer poor existing services and facilities, particularly in terms of limited public transport and a distinct lack of publicly accessible open space.

10.2 In this context, CHRA's objections to the proposals are in terms of planning (open space, density, impact on local facilities and sunlight, daylight and overshadowing), transport (baseline public transport assessment, PTAL, local minor roads, the Lots Road/King's Road junction and parking), visual impact and impact on conservation areas.

10.3 The inquiry has heard from a large number of objectors. The precise nature of objections may have varied from group to group, person to person, but one feature binds them all together – a total lack of support from those members of the local community who would be most acutely affected by the proposed development and who have the best knowledge of the site. The support of LBHF and GLA must be seen in that light. The PPS1 exhortation that 'Community involvement is vitally important to planning and the achievement of sustainable development' deserves to be placed at the forefront of considerations; CHRA and others demonstrate the community putting forward its vision of the sort of place it wants to live in 'at a stage when this can make a difference'.

Planning

Open space

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

[A] CD222, p100, figure 4.1.
[B] CD199, p281, paragraph 11.3.1.

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

10.5 It would not be. In fact, the development would actually remove one area of publicly accessible open space that currently exists, namely the grassed area surrounding the avenue of trees subject to a tree protection order, behind what would be Building HF5.[A] While there are no standards set at a national level[B] for the amount of publicly accessible open space that should be provided in new developments, CHRA submits that the level provided by the proposed development is seriously deficient. There is a fundamental difference between the approach used by Circadian and that advocated by CHRA. Whichever method is used, the result is the same – insufficient open space is proposed to serve the needs of either the development or the wider area around.

10.6 The difference between CHRA and Circadian – and the flaw in Circadian's method – lies in the inclusion of all areas of unbuilt space as open space. Rather than include only those areas with a demonstrable amenity value, Circadian has included any area within the site boundaries which is not actually being used as the location for a building.[C] This means that circulation space and 'space left over after planning' (SLOAP) is incorporated into Circadian's assessment. That is entirely misleading. There are several areas within the site boundaries whose sole function is to act as routes between buildings or means of access to the site. Equally, there are several small areas of land which have not been built upon but which are, individually, so small as to have no practical value to residents or users. Cumulatively, they constitute a significant proportion of the areas which have been included as open space in the Circadian assessment. It is disingenuous to suggest that both these sorts of area should be considered as publicly accessible open space with amenity value for local residents. They have no specific value and there is no good reason for including them in the quantum of open space. Indeed, their inclusion bears testament to the exceptionally low level of provision of true open space with real value.

10.7 Equally, the inclusion of the internal power station street increases unrealistically the amount of open space provided by the development. It is essentially circulation space between the various commercial uses on the ground floor of the building. Whether it would achieve its aim of mirroring stylish continental arcades is a moot point. What is clear, however, is that is has no intrinsic value as publicly accessible open space for those who would be expected to use this development. As such, it should be discounted.

10.8 The much more robust method borne out by national policy[D] is to discount these areas. This is the approach that has been followed not only by CHRA but also by LBHF in calculating the quantum of open space provided on the LBHF site. Doing so provides a realistic estimate of the amount of open space that would be available to and of real value

---

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

B Document CD133 (PPG17) – para. 6.

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

D Document CD133 (PPG17) – in the Annex.

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

10.9 It is not just the quantum of open space that is deficient; the quality is also extremely questionable. It was accepted that, for open space upon which it would be possible to engage in recreational play or ball games, it would be necessary for residents to look elsewhere – involving a walk of considerably over 1km across the river to Battersea Park. Instead, what would be provided on the site would be 'passive' open space, suitable at most for a gentle stroll or a sandwich and a coffee – hardly appropriate for the 322 children up to the age of sixteen who would live in the development.[C] Indeed, the only open space for such children would be the 0.03ha of playspace provided on the LBHF site, which would be aimed primarily at children in the 2-8 years age bracket.[D] Moreover, LBHF accepted that its assessment of this area has not taken into account either children resident on the RBKC site who would use it or those who would come from elsewhere.

10.10 Thus, there would be a serious shortfall in the amount of open space provided within the development. That is clearly in breach of LBHF UDP Policy EN23 and itself warrants refusal of the proposals. The consequences of the shortfall may not lightly be dismissed. An area already characterised by existing open space deficiencies would face increased and unacceptable pressure on its facilities from a development that would fail to provide for its own needs.

Density

10.11 The first question is how to calculate the site area. CHRA believes that Circadian's approach is flawed because it includes the area covered by the creek, thus wrongly increasing the site area and decreasing the calculated density of the proposed development. Circadian and the Mayor are the only parties to include the creek in the calculation of the density. LBHF does not think it should be included.[E] And cross-examination on behalf of RBKC suggested that, contrary to the impression given by the Planning Statement of Common Ground, it too excludes it.

10.12 The reason for excluding it is clear from the London Plan and PPG3. Table 4B.1 in the former 'sets a strategic framework for appropriate densities at different locations'[F] which 'should be based on net residential area, which includes internal roads and ancillary open spaces (see also Annex C of PPG3)'. Annex C[G] relies on the approach towards 'net site density' set out in DETR guidance in *The Use of Density in Urban Planning* (1998) and includes 'only those areas which will be developed for housing and directly associated uses'. It includes access roads within the site, private garden space, car parking areas, incidental open space and landscaping and children's play areas (where these are to be provided). It specifically excludes major distributor roads, primary schools, open spaces serving a wider area and significant landscape buffer strips. Moreover, 'unlike gross, neighbourhood and town/district densities, the density assumption used does not need to

---

A Document CH3 – revised Table 7.5.
B Document CD11 – sum of the figures for publicly accessible open space provided in Annex 3.
C Document CD54 – p.10-6, Table 10.5.
D Document CD54 – p.5-19, para. 5.98.
E Document CD11 – p.2, paras. 7.16-18.
F Document CD174 – p.176-8 – the quotations are from paras. 4.45 and 4.48.
G Document CD124 – Annex C, Net housing development, p.28.

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

10.13 If the density matrix in Table 4B.1 of the London Plan is to be used, it is axiomatic that the approach to calculating site area set out in that document must also be used. On a correct reading, the creek should be excluded from the site area and the density of the proposed development will thus be increased.

10.14 Accordingly, the correct density figures are those set out by CHRA – an overall density figure of 709 habitable rooms per hectare (hr/ha), 818hrha on the RBKC site and 629hrha on the LBHF site.[A] In terms of Table 4B.1, this places the development in the highest density category, suitable for sites within ten minutes walking distance of a town centre, a central setting, a PTAL score of 4-6, low levels of parking provision and flats being the predominant housing type. But the highest PTAL score that can realistically be achieved by the development is a high 3. Even Circadian's highest estimation is borderline 3-4. This, combined with the urban characteristics of the site[B] clearly points far away from a density level in the highest category of Table 4B.1. Instead, it points towards density ranges of 200-300hr/ha or 300-450hr/ha, characteristic of urban locations with PTAL scores of 2-3.

10.15 Notwithstanding the primacy of the London Plan, it should be noted that the proposed density is far above the recommended levels in either of the adopted UDPs. Policy H12 in the RBKC UDP resists housing at 'very high' densities except where necessary for townscape reasons to comply with the policies of the Conservation and Development Chapter.[C] 'Very high' density development is defined as that above 350hr/ha. The proposed density levels are clearly far above this limit and so would have to be justified by townscape reasons. For all the reasons advanced by RBKC in its evidence and cross-examination, which CHRA adopts and endorses, such townscape reasons do not exist.

10.16 LBHF UDP Policy HO7 requires that density levels comply with the limits in standard S2, namely an upper limit of 247hr/ha.[D] Where that is not possible, higher densities will be permitted only if all of five criteria are met –

- the design and layout of the scheme is such that it can make more efficient use of land without compromising environmental quality,
- the scheme would not be deficient in open space provision to meet the needs of residents and would not lead to a deficiency in open space provision for the area as a whole,
- existing services and facilities would have sufficient spare capacity to accommodate the increased demands placed upon them,
- there would be no increase in on-street parking demand and
- in relation to the scale of the proposed development, there would be convenient existing or proposed access to and from the site by a range of transport modes including public transport, walking and cycling.

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

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

[C] Document CD199 – p.113.

[D] Document CD222 – pp.108 and 332.

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

10.17 While acknowledging the role of the London Plan in the planning process, the failure of the proposal to comply with both UDPs regarding density is clearly highly relevant. The density level in Table 4B.1 that CHRA contends should be used as a benchmark is, in approximate terms, at the same level as that of both UDPs. This is no coincidence. It reflects the responsiveness of the matrix to the reality of the environment in which the development is to take place. In other words, it reflects reality on the ground. The proposed density of development does not.

10.18 Of course, the fact that development would be at a particularly high density need not, on its own, be determinative of its acceptability in planning terms. What matters, in particular, is the effect of that high density on the amenity of those living in its shadow. And that is clear from what is said above and below on open space, facilities, visual impact and transport. It is evident that the impact of development of the proposed density on these aspects of local life would be nothing short of disastrous. The local area and its infrastructure would simply be unable to support it. For this reason, the proposals should be refused.

Impact on local facilities

10.19 The impact of the development on local facilities would be particularly serious. Aside from the significance of the matter on its own account, it also affects the assessment of the acceptability of the proposals' very high housing density.

10.20 CHRA has provided an analysis of local facilities, detailing community, healthcare, leisure, retail, open space, educational and restaurant and pub uses.[A] This demonstrates the paucity of provision of facilities for the local population. The situation will not improve with the present proposals. Indeed, given the lack of provision for young people within the site (a community centre and a teenage shelter do not constitute adequate facilities to cater for the needs of 322 children up to the age of 16), pressure on provision for certain sectors of the local population can be expected to be particularly severe. An existing unsatisfactory state of affairs will be made worse.

10.21 In terms of retail and social facilities, the area is particularly poorly served. The few existing corner shops and mini-markets are inadequate to serve the needs of the present population, let alone the high numbers associated with the proposed development. Supermarkets are all some distance away. Similarly, there are few restaurants in the area and only two pubs in the near vicinity.[B]

10.22 This, in turn, will have added implications for the transport infrastructure, with people needing to access the various modes of transport in order to travel to facilities elsewhere. That applies to all sectors of the local population. Whether for a game of football or a swift libation, the facilities in the area fall far short of those that would be expected in order to service a development of this kind. The proposals should therefore be refused.

[A] Document CH1 – Appendix 1.

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

Sunlight, daylight and overshadowing

10.23 The proposed development would cause serious loss of sunlight and daylight, and also unacceptable overshadowing, for certain properties in the vicinity. Significant loss of daylight for properties close to the proposed development has been recorded in both Vertical Sky Component (VSC) and Average Daylight Factor (ADF) measurements. Mr Ingram accepts that as many as 117 windows out of a total of 676 surveyed would have VSC levels poorer than recommended in the British Research Establishment's (BRE) guidelines.[A] More specifically, 34 four out of 95 five windows in Admiral Square, 54 out of 194 in the Quadrangle and twelve in Lots Road would experience levels of daylight below the recommended levels in the BRE guidelines.

10.24 By any measure, a significant proportion of the windows in neighbouring properties would suffer a noticeable and material loss of daylight. While Mr Ingram preferred ADF figures to VSC methods, even on ADF analysis the development would cause significant interference with daylight levels in some rooms in neighbouring properties.[B] Thus, there is no escaping the fact of the very significant impact that the development would have on neighbouring properties' daylight levels. It is unacceptable and constitutes a valid reason for refusal of the proposals.

10.25 As far as sunlight is concerned, the figures again speak for themselves. No less than 41 windows would fall below the acceptable level set out in the BRE guidelines for winter sunlight levels, 22 below the acceptable level for annual sunlight levels.

10.26 Equally, neighbouring properties would not escape overshadowing. The evidence is clear that the properties in Chelsea Harbour would suffer from transient overshadowing at different times of the day.[C] And there is also the impact on surrounding properties of solar glare, from which properties on Thames Avenue would suffer. Mr Ingram's assessment that solar glare at the four positions analysed would be blocked by the intervening obstructions of surrounding houses indicates clearly that, were such glare to occur, the houses would bear the brunt of it instead of road users.[D] This is hardly a satisfactory alternative.

10.27 In policy terms, regard must be had to Standard S3 in the LBHF UDP[E] and paragraphs 12.17 and 12.18 of the explanatory text. All new development should be arranged to ensure such penetration of daylight and sunlight as is necessary to provide adequate natural lighting conditions in all living and working space, and also in gardens and amenity spaces. RBKC UDP Policy CD33[F] resists development which significantly reduces sunlight or daylight enjoyed by existing adjoining buildings and amenity spaces. There is no minimum threshold for the application of the policy; it is enough that one adjoining dwelling faces such problems.

10.28 For all these reasons, the impacts of the proposed development in terms of daylight, sunlight, overshadowing and solar glare are sufficiently serious and substantial to justify refusal of the proposals.

A Document CD54 – p.20-6, table 20.3.

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

C Document A/GI/P – para. 4.3.12.

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

E Document CD222 – p.333.

F Document CD199 – p.70.

Transport

10.29 While there has been a significant amount of professional evidence, it is important not to lose sight of the evidence from individuals currently living with the reality of the poor transport infrastructure which characterises the area. Time and time again, local objectors have drawn attention to the same shortcomings and failings in the transport infrastructure in this part of London. This is no coincidence. It reflects a situation with which existing residents must cope and which would be exacerbated by the proposals. Despite the concessions by CHRA's witness, it is important to weigh in the balance the evidence from all these various witnesses and decide whether transport shortcomings constitute a valid reason to refuse the proposals.

10.30 Before turning to the individual aspects, it should be noted that there can be no serious argument about the current transport characteristics of the site. The area is characterised by poor public transport facilities and a congested road infrastructure. It has been accepted that the site currently has a PTAL level of 2.[A] This is characterised as 'poor' in the Environmental Statement (ES).[B] The nearest underground station, Fulham Broadway, is 14 minutes walk away[C] (using an average walking speed of 80m/min) and is served only by the Wimbledon branch of the District Line. The nearest mainline railway station is at West Brompton and gives access only to the West London Line (WLL), travelling between Clapham Junction and Willesden Junction. Although some buses pass relatively near-by, those on Fulham Road and Battersea Bridge are outside the maximum walking distances used in the PTAL assessment. In terms of the vehicular characteristics of the site, the surrounding roads suffer congestion throughout the day and not just at peak hours.[D] Such congested roads are hardly likely to entice pedestrians and cyclists. In any event, the attractions of Central London are too far away to be reached by bicycle or on foot. It is against this backdrop that the transport analysis undertaken on behalf of Circadian and the improvements proposed must fall to be assessed.

Baseline public transport assessment

10.31 It is not in dispute that the baseline assessment of public transport capacity in the ES takes no account of non-vehicle trips generated by the committed developments at 552 King's Road and Imperial Wharf or the likely development of the proposed Chelsea Academy. Nor does it take account of the proposed western extension of the congestion charging zone. As such, the likely effect of the proposed development on the public transport infrastructure cannot be properly assessed. This means that it is impossible to predict with any degree of certainty whether there will be sufficient capacity on the local public transport infrastructure to cope with the proposed development. Assessments of existing capacity are not accurate because they do not take into account reductions in available capacity because of what is likely to happen and committed to happening. The ES is accordingly defective.

10.32 In contrast, vehicle trips from committed and likely development have been fully taken into account in assessing the baseline for vehicle trips generated by the development. No explanation has been offered for this difference in approach. None can satisfactorily explain such an omission. The ES notes that the development at Imperial Wharf and 552 King's Road is committed and that Chelsea Academy and western extension to the

[A] Document A/HW/P – p.26, para. 2.37.
[B] Document CD54 – pp.16-18, table 16.7.
[C] Document CD70 – Appendix H11, p2.
[D] Document HF1 – para. 10.08.

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

10.33 It was suggested that the proposed development at Lots Road should not be expected to 'wash the face' of other committed or proposed developments. However, this analogy misses the point. Without any assessment of the effect on the baseline figures of the non-vehicle trip generation of committed and likely development, it is impossible to know what the available capacity of local public transport modes actually is. Hence, it is impossible to know where the assessment should start from and what the final result will be. In other words, no-one knows how much soap is available to wash the proposed development's face because no-one knows how much of that soap is being used, or will be used, by other developments.

10.34 The result of this failure to consider accurately the future non-vehicle trip situation is that the impact of the development on the public transport infrastructure, seen in its full future context, is uncertain. In this regard, the ES is inaccurate. The proposals should not be approved when the real impact of development on public transport, in an area already poorly-served, cannot be gauged.

PTAL

10.35 PTAL is a measure of the accessibility of different locations to the public transport infrastructure. The existing PTAL for the site is 2. Debate has centred on two issues – alleged shortcomings in PTAL methodology and the extent to which the public transport improvements provided for in the section 106 obligations would raise the PTAL.

10.36 An average walking speed is used in PTAL, creating a realistic measure that allows for people who are unable to walk particularly fast. To say that there are people who would walk further is nothing to the point – there are also those who would not (or could not) walk as far. The times and distances used reflect people's willingness to walk to different transport modes. PTAL is the sole measure of public transport accessibility used in the London Plan. Its utility derives from the methodology it uses.

10.37 The proposals would raise the PTAL to no higher than 3. GLA/TfL accept this, based on their own assessment.[B] Only one corner of the site might be argued as reaching 4. LBHF thought a level of 4 could only be achieved with six trains/hour on the WLL at peak periods – but the Imperial Wharf station will open with just three trains/hour,[C] which would not take the PTAL beyond 3. Higher frequencies are not expected to come until later[D] and are dependent on outside constraints. Circadian's evidence achieved a

[A] Document CD54 – paras. 16.64 and 16.65.
[B] Document GLA/2/2 – paras. 5.22-23.
[C] Document GLA/2/3 – para. 2.9.
[D] Document GLA/2/3 – also para. 2.9 – 4 trains/hour in 2008, 6/hr in 2012;
Document A/HW/P – para. 2.40 – Circadian's evidence is based on 4/hr.

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

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

Destination of transport modes

10.39 Even with the improvements proposed in the section 106 obligations, the various modes of transport which serve the site are not attractive to users in terms of the destinations they offer. The proposed Embankment bus would run from Townmead Road as far as Westminster. Anyone wishing to travel further would be obliged to change and take another route to their final destination. Equally, to argue that the Embankment bus would reduce demand for the already crowded C3 service is misconceived. The two routes serve entirely different locations, the C3 travelling north to Earl's Court and the Embankment service east to Westminster. There is simply no basis for assuming that passengers currently using the C3 to get to the Earl's Court area would suddenly switch to travelling via Westminster.

10.40 As for the WLL, whilst attempts were made by the appellant to stress its impact on PTAL, it is not a route taking passengers anywhere near central London. On the contrary, and by definition, it serves London's periphery between Clapham Junction and Willesden Junction. It would be entirely wrong to see it as a major route to the main attractions of the capital. If residents were to use the WLL to travel to central London, they would be obliged to change mode, with all the difficulties and stresses that involves.

Impact of development traffic on local minor roads

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

[A] Document A/HW/P – para. 2.46.
[B] Documents A/HW/A – Appendix HW-3; see also Document CD70 – Appendix H17.
[C] Document CD54 – p.16-18, table 16.7.
[D] Document CD54 – pp.16-27/28/29, figs. 16.20-31.

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

The Lots Road / King's Road junction

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

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

Car parking

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

---

A Document HF1 – para. 10.08.

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

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

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

E Document CH4 – para. 2.3.4.

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

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

Transport conclusions

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

Visual impact

10.46 The visual impact of the proposed development has been at the heart of the debate over the course of the inquiry. This is unsurprising, given the nature of the development. Two tower blocks, of 25 and 37 storeys, are proposed on the riverfront – blocking, dwarfing and ultimately overpowering the iconic landmark structure that currently dominates this part of the river landscape. But this is not the full extent of the visual problems created by the development. Of equal concern to local residents is the considerable bulk and massing of the other buildings making up the proposals. They are very large structures in their own right – five, six, eight and ten storeys high. The context into which they have to fit is the surrounding two-storey and three-storey terraced housing. The two very tall towers should not obscure that fact.

10.47 CHRA's main concerns are shared by RBKC. Indeed, they represent RBKC's sole reason for refusing planning permission. CHRA fully adopts and endorses the case made by RBKC. The following matters should be stressed.

10.48 Lots Road Power Station is an icon, an historic symbol of another age and a landmark on the Thames riverfront. Its status has not been seriously questioned by anyone appearing at the inquiry. At the moment, the power station's qualities are enhanced by its location and its dominance over the surrounding hinterland. The effect of the two proposed towers would be to create new landmarks which would not merely compete with, but would block and utterly dwarf the existing landmark.[B] The result is that a considerable and distinguished heritage asset would effectively be lost in its present form. A monument to London's industrial past would be shattered by two glass towers.

10.49 The effect of the two towers would be exacerbated by the bulk and mass of the other buildings making up the development. Unlike the other Thameside power stations in London (Bankside and Battersea), the proposed new buildings on the site would crowd around the power station. They would deny it the space which currently endows all three power stations with a sense of grandeur and dignity.

10.50 In the same way as the towers would have an adverse impact on the power station, so too would their impact on the surrounding residential environment be severely detrimental. Much of Circadian's evidence concentrated on the relative 'slimness' of the towers but it was accepted by Sir Terry Farrell that the towers would present their broadest face to the

[A] Document CD130 (PPG13) – para. 4.
[B] Document CH7 – pp.13-15, paras. 8.4 and 8.14, with reference to Views RT1 and RT2 in Document A/RT/A.

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

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

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

Conservation areas

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

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

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

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

B Document CH7 – Annex A.

C Document CH1 – paras. 5.32-33.

D Document CD206.

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

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

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

H Document CD226 – pp.3.32 and 3.34.

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

10.55 Lastly, the Sands End Conservation Area Character Profile is obviously of significance. It confirms[A] that the conservation area offers many opportunities for new development, which should respect the character of the river front and the surrounding areas; particular attention should be paid to the height, scale and massing of new development and the effect this would have upon the character of the river corridor, the quality of open spaces, and views into and out of the conservation area..

10.56 It is against this combined statutory and policy background that the development falls to be judged. CHRA's clear evidence[B] is that the views addressed by Circadian will be severely disrupted by the development, in particular by the two towers. The present framing of the view into the Conservation Area from the northern end of Battersea Bridge is of some significance, an historic area of old industry 'neatly defined by the Belvedere Tower and the chimneys of the Power Station, their relationship can be read by those who know or learn of the history of the area'.[C] The towers would represent significant inappropriate intrusions into the skyline. They would be out of keeping and discordant with the surroundings and character of the Conservation Area. They would overpower the current landscape and 'canyonise'[D] the creek. As such, they would neither preserve nor enhance, but instead undermine the character of the Conservation Area. These impacts are exacerbated by the lost opportunity of the development in terms of greening and tree planting along the Riverside Walk,[E] not to mention the loss of existing trees. Accordingly, the development is inappropriate in this location and contrary to national and local policy.

10.57 The boundary of the Conservation Area runs to the centre of the River Thames and the centre of Chelsea Creek. Thus, the impact of the proposals on the use of these areas of water is highly relevant.[F] And to transform the creek into a water garden would represent its annexation and domestication, rather than recognition of its important status as part of the navigable Thames. Boats should continue to be able to use the creek, as they do now, but particular difficulties would be created in this regard by the lack of headroom under bridges and also by underwater obstacles.

10.58 Discussion about who is responsible for the control of Chelsea Creek should not obscure the real point of importance – that the relevant development plan policies for protecting the creek should be followed and respected. This is particularly important given the place accorded to the River Thames in the Blue Ribbon Network (BRN) policies in the London Plan, in the Thames Strategy – Kew to Chelsea, and in both UDPs. It is notable that the proposals make no practical provision for access to the water for boats, nor for the berthing or mooring of boats. Such facilities were previously available on the river

---

A Document CD225 – para. 6.3

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

C Document HBG1 – p.10, para. 9.3.3.

D Document HBG1 – p. 10, para. 9.3.3.

E Document HBG1 – sections 9.5 – 9.7.

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

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

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

Conclusion

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

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

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

11 ADDITIONAL POINTS FOR THE LOTS ROAD ACTION GROUP

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

11.1 It is important to look at the whole picture. Public transport is poor and time-consuming. It is quicker to travel by car (even if that is less sustainable). New bus services alone will not address the problem. This is simply not the place for such a high residential density. Whatever the parking survey says, it is usually difficult to find a residents' parking space at present. Car ownership in the proposed development cannot be suppressed by constraining car parking, especially as all RBKC residents will have the right to a RBKC residents' parking permit. The existing situation is made worse when Chelsea FC are playing at home – because of the closure of Fulham Road and the supporters looking to park in the Lots Road triangle. It is also made worse by rat running along Lots Road. LRAG has no technical basis for disagreeing with the evidence on transport infrastructure by CHRA's witness – only anecdotal evidence and the experiences of residents.

11.2 To reduce the height of the towers so that they could not be seen from the Lots Road triangle would be a satisfactory solution from LRAG's point of view and would probably reduce density to an acceptable level (though no exercise on that has been done). There are, of course, other arguments from other points of view. In addition to the visual arguments, reducing the density would also assist in terms of open space and children's play facilities, which are inadequate in the present proposals despite existing facilities in the area already being limited and under pressure.

12 ADDITIONAL POINTS FOR THE HAMMERSMITH AND FULHAM HISTORIC BUILDINGS GROUP

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

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

13 THE CASE FOR THE CHELSEA SOCIETY

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

Landmark

13.1 'Landmark' is a word heard frequently during the inquiry. Lots Road Power Station is neither listed nor in a conservation area. It enjoys no protection from demolition. Sir Terry Farrell asserts that the power station should not be demolished – because it is an historic and iconic landmark. But he proposes to erect two very tall buildings in front of it, completely contradicting and negating his assertion. He also claims landmark status for his proposed towers, seemingly blind to what is evident in all of the material before the inquiry – that there would be irreconcilable conflicts between the existing and new landmarks. By virtue of their height, bulk and location, the proposed new landmarks would dominate and belittle the existing landmark from every viewpoint.[A]

13.2 The Chelsea Society supports the re-use and refurbishment of the power station – but Circadian has not responded to the assertion that the reason it wishes to retain the power station is not just as a landmark but because it represents twelve storeys of development in a location where such a building would not now be permitted. The towers would be the new landmark – but a developer wishing to erect a new landmark on the site might be better able to succeed if the existing power station were first demolished, eliminating any possibility of conflict. Circadian seems to want to have its cake and eat it.

13.3 When the site was first purchased from London Underground Limited (LUL) in 1999, it was on the basis of a scheme to convert the existing building and erect new residential buildings around it of no more than eight storeys high. Tall buildings, as admitted by Sir Terry Farrell, are not essential to the viability of the proposals. Other witnesses, too, have accepted that high density development can be achieved on this site without tall buildings. The proposed towers are an unnecessary addition to the proposals

Regeneration

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

Community

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

---

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

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

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

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

The Development Plan

13.7 The GLA seemed to suggest that the London Plan rendered obsolete the UDPs of both Boroughs and also the planning brief for the site. But the statutory development plan comprises the London Plan **and** the RBKC and LBHF UDPs. On tall buildings, there is no conflict between the different plans. The London Plan promotes tall buildings (Policy 4B.8) but does not identify this site as suitable for them. Nor does the site meet the criteria for locations where tall buildings might be appropriate. Both UDPs include a raft of policies designed to set a clear and unequivocal presumption against tall buildings, especially along the riverside. The London Plan says that the Mayor, with the Boroughs, will identify where tall buildings could go. The process has begun – but it will not be complete until the Boroughs have produced Local Development Frameworks (LDFs). English Heritage and CABE agree with adopting a plan-led approach in their Guidance on Tall Buildings.[C]

13.8 The London Plan[D] encourages major new development to provide homes and jobs, mainly to be located in Opportunity Areas (5B.4), Areas of Intensification (5B.5) and Areas for Regeneration (2A.4). The site does not fall within any of these. The RBKC site is within the Central Sub-Region but outside the Central Activities Zone (CAZ). The whole site is a riverside one in an Area of Metropolitan Importance and part of London's Blue Ribbon Network (BRN). Policy 4C.20 requires new development to be of human scale, to integrate with its immediate surroundings and to have special regard for river views and vistas. The proposal does none of these.

13.9 The RBKC UDP has several policies seeking to preserve the character of the riverside, protect the skyline and limit development to no higher than its neighbours.[E] Policy CD6 specifically states that development on the Chelsea riverside should be no higher than the general height of original buildings east of Blantyre Street – thus ensuring that the World's End towers do not set a precedent for future development. In the LBHF UDP,[F]

A Document CD206.
B Document A/RT/A – commentary on the effect of the proposed development in the various views.
C Document CD151.
D Document CD174.
E Document CD199 – Policies STRAT 12, STRAT 13, CD1, CD27 and CD37 in particular.
F Document CD222.

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

13.10 The planning brief prepared by RBKC[A] for its part of the site addresses demolition and retention of the power station. The Society supports its retention but it is disingenuous of Circadian to argue, as it has, that the proposed development could not conceivably harm it. The towers would dominate river views, particularly those looking upstream and particularly those from the bridges. They would completely supplant the power station as the dominant landmark, wholly or partially obscuring it from view. They would also dominate and harm views from inland, adding to the oppressive effect of the power station on the Lots Road Triangle and detracting from views in Brompton Cemetery.

13.11 The proposals fail to comply with the planning brief or the Development Plan. For the Mayor to support tall buildings on this site is at best premature.

PTAL

13.12 TfL gives an unrealistically optimistic assessment of the site's future PTAL.[B] The whole question of public transport in the area is one of uncertainty. There is no guarantee that the West London Line (WLL) station at Chelsea Harbour will be built; nor that the WLL will be part of a completed Orbirail by 2012, with six trains an hour, each way, in the peak period. What is certain is that the site is isolated by the WLL and the Thames. Each could, in theory, provide public transport – but the WLL will remain an orbital route at best and history suggests that the prospects for the proposed river bus are not good. The enhanced C3 bus service and the new Embankment service would be along routes which, when they become boundary routes for the extended Congestion Charge Zone,[C] will see even more traffic than now. The nearest tube station is 1.2km away at Fulham Broadway. The site will never be a transport hub.

13.13 The quantity and density of development proposed is inappropriate for a location with such low public transport accessibility, even when a realistic assessment of future improvements is taken into account. The best and most realistic estimate of PTAL is no higher than 3, suggesting that a density at the upper end of the range 300-450hr/ha be adopted. A scheme to that density could omit the offending tall buildings, provide at least the 500 new homes identified for the site in the London Plan and, most importantly, not put at risk the credibility of the London Plan policies on density and PTAL.

13.14 Circadian is wrong to argue that the site is a 'central' one for the purposes of assessing density in relation to PTAL. In addition to its limited public transport choice, it is more than ten minutes' walk to a town centre. The nearest shopping centre is over 1km away, at King's Road West. Fulham Broadway, the nearest town centre, is agreed by all to be more than ten minutes' away. Thus, the density argued for by Circadian conflicts fundamentally with the policies of the London Plan.

Traffic congestion

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

[A] Document CD206.
[B] Document CD174 – Policy 4B.3, Table 4B.1 and paras. 4.44-48 (pp.176-8).
[C] Document GLA/6.

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

Vauxhall Tower

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

Conclusion

13.17 The Chelsea Society supports some aspects of the proposals but is unequivocal in its objection to the proposed tall buildings. It is not just a case of a good building in the wrong place – a building not appropriate for its site is a bad building, no matter how worthy its detailed design might be.

13.18 The tall buildings proposed here are completely contrary to the development plan and would cause considerable harm – harm to Lots Road Power Station, an iconic landmark on the bank of the Thames, and harm to Chelsea, a precious suburb on the edge of central London that is vulnerable to development.

13.19 The Chelsea Society is not an action group set up to defeat these proposals. Its motive in appearing at the inquiry is to 'protect and foster the amenities of Chelsea', something it has been striving for over the past 78 years. The Society supports conversion of the power station and the erection of subordinate buildings around it – something that could produce high-density large-scale development which, after the proposed improvements to public transport, would be at an appropriate density range for the location.

13.20 The present proposals, however, should be refused.

[A] Document A/8 – ownership remained almost static as a percentage but increased in numerical terms.
[B] Document A/13.

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

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

14.1 WLRG urges refusal of the application and appeal in their present form, for Blue Ribbon Network (BRN) and river reasons. The scheme appears to take no account of BRN[A] and river considerations. For example, uses and activities that require a waterside location are neither enabled nor supported, contrary to BRN Principle 1 in the London Plan and Policy 4C.12. And the existing function of the creek as tidal navigable waterway would be totally frustrated by footbridges too low for most boats to get under – and also by numerous new underwater obstructions without any apparent provision for marking the remaining navigation channel.[B] The creek's present use for training in watermanship and boat-handling would be jeopardised. And the scheme would effectively stop any further BRN protection and enhancement around and beyond the present head of the creek.

14.2 As well as Policy 4C.12 in the London Plan, the scheme fails against the following policies in particular – 4C.1 (to recognise the strategic importance of the BRN), 4C.3 (to protect and enhance biodiversity value), 4C.10 (to respect the varied local heritage), 4C.16 (to promote opportunities for leisure and education), 4C.18 (to exploit the potential for water-borne leisure support facilities), 4C.19 (to protect, improve or provide new mooring facilities), 4C.20 (for design to start from the water), 4C.22 (to protect the openness of the BRN from structures over or into it) and 4C.31 (to protect, improve and respect the creek as one of the rivers, brooks or streams within the BRN)

14.3 The scheme appears to reduce the flood capacity of the creek. Based on a flood defence level of +5.41AOD, WLRG estimates a net encroachment into the flood capacity of the creek of about 2,500cum.[C] If that is correct, the scheme also fails against Policy 4C.7.

14.4 The Thames Strategy – Kew to Chelsea[D] is the appraisal sought by London Plan Policy 4C.26. It has been adopted as supplementary planning guidance by LBHF. It recognises that 'Chelsea Creek is a major opportunity site for riverside restoration, new uses and improved links'. It says, amongst other things, that development of the remaining land at Chelsea Harbour 'should seek to improve public access to the river and should make provision for public open space' and also that development should 'include provision for the enhancement of Chelsea Creek'. The proposals fail to have proper regard to the various recommendations in the Strategy.

14.5 There is no masterplan for the wider area, an approach supported by the Strategic Planning Guidance for the River Thames in RPG3B/9B.[E] In the RBKC UDP,[F] Policy CD90 says that planning briefs will be prepared for important development sites and Policy CD91 aims to identify sites that would benefit from environmental improvement

---

A Document CD174 – pp. 193-218.
B Document RG4, supplemented in relation to air draft by Documents RG6/3, RG6/4 and RG6/5.
C Document RG5, supplemented by Documents RG5/2-9, submitted subsequently.
D Document CD226 – paras. 4.76-89 in particular.
E Document CD186.
F Document CD199.

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

14.6 On the other hand, the Chelsea Creek Project[B] is an embryonic masterplan and has identified a number of opportunities – regeneration of the creek to form a green corridor linking to King's Road and beyond, extension of the pathway across the river by means of a 'clip-on' structure to the WLL bridge, opening pedestrian and cycle links through the railway embankment to Imperial Wharf, restoration of the old gasworks dock to provide moorings for residential boats and facilities for recreational use of the river and creek and development of some of the land between the north-south leg of Lots Road and the filled-in creek.

14.7 In addition to the above objections, there are inconsistencies and inaccuracies within the application and appeal drawings.[C] All three footbridges appear to be shown at different levels and gradients on various drawings. Also, it is not clear that the tidal regime has been properly taken into account in the levels of the terraces in the creek,[D] which could have implications for the habitats intended to be created. Thus, the suitability of the present drawings as a basis for decisions must be in doubt.

14.8 WLRG takes the view that the present proposals are **not** yet the imaginative, sustainable and community-oriented scheme that this prominent and important site deserves. They are **not** good enough in their present form. Nor are they in line with the London Plan or the Thames Strategy – Kew to Chelsea, or indeed with the two UDPs.

14.9 Nor should anything be done that would prejudice the chance in the future to restore the water-body back up to King's Road or into the Imperial Wharf basin, thereby creating a really distinguished addition to the BRN. The Chelsea Creek Project is an example of an attempt **not** to miss such a rare opportunity.

14.10 As they stand, the proposals should be refused.

A Document CD222.

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

C Documents RG1E, RG3, RG4 and RG6.

D Document RG1C.

15 THE CASES FOR OTHER GROUPS AND INDIVIDUALS

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

The Cheyne Walk Trust was represented by **Mr Richard Sharp**.[A]

15.1 The Trust supports fully the positions of the Chelsea Society, the CHRA and the WLRG. It recognises the need to develop what is a brownfield site but, equally, considers that development should benefit the local community rather than subject it to damaging intrusions. Its main concerns are – excessive density; over-development; unacceptable height, scale and mass; adverse visual impact; adverse transportation, traffic, parking and pollution implications; precedent; flood storage risk; inadequate open space and recreation facilities; and inadequate amenity provision.

15.2 The proposed density of around 667 habitable rooms per hectare (hr/ha) is two to three times higher than recommended in either of the UDPs or in the planning brief.[B] The section 106 package does not justify exceeding the maximum density set out in those documents. Density should be related to PTAL,[C] which would give a maximum of 450hr/ha, always assuming that the section 106 proposals would raise the existing PTAL. The proposals do not comply with Policy HO7 and Standards S1 and S2.1 in the LBHF UDP; nor with RBKC UDP Policy H12 and the planning brief for the site; nor with the guidance in PPG3 that greater intensity of development should only be sought at places with good public transport accessibility. The proposals grossly exceed all recognised guidelines and, as a result, the existing transport infrastructure, shops, schools, community facilities and public open space are inadequate to accommodate the demands to be put upon them.

15.3 The scale, massing and height of the proposed towers are inappropriate to the locality. They would adversely affect local views and undermine the conservation aims of the Thames Policy Area for this site of metropolitan importance. Neither the Belvedere nor Montevetro should be viewed as a precedent. In approving the Belvedere, LBHF said expressly that it was symbolic of the regeneration of the area and did not provide a precedent for other towers.[D] Montevetro is also understood to be a special case but its impact can only be described as disastrous. On this site, the height of the existing power station should remain predominant. The proposals fail to comply with LBHF UDP Policies EN8, EN9, EN31 and EN33, RBKC UDP Policies STRAT12, STRAT13, CD1, CD2, CD6 and CD37 and the planning brief for the site.

15.4 Traffic density in the area is already high, parking provision is deficient and pollution levels exceed Government guidelines. The existing transport and road systems will not be able to cope with the increase in population and commercial activity, particularly with the forthcoming developments at Imperial Wharf, King's Chelsea, Fulham Broadway and Hortensia Road. Nor has any account been taken of the transportation needs and traffic generation of the proposed Chelsea Academy for 1,150 pupils at Lots Road.[E]

A Documents O/1, O/2 and O/3.
B Documents CD199, CD222 and CD206.
C Document CD174 – Table 4B.1 on p.177.
D Document CD225 reflects that decision at para. 6.12.
E Document CD212.

15.5 The area is poorly served by public transport and must be upgraded before any high density development is permitted. A new station on the West London Line (WLL), a firm commitment to a station on the Chelsea-Hackney line, adequate local bus services to anticipate and/or supplement rail and/or underground access and frequent, high capacity affordable and permanent river bus services must all be provided.

15.6 The proposals will introduce over 3,000 people into the Lots Road area and will lead to severe congestion and increased pollution on the roads. The Chelsea Academy Transport Study[A] found that the existing junction at Cremorne Road already operates at capacity during the morning peak and potentially over capacity in the afternoon peak. Also, 56% of Academy pupils are expected to use public transport, which leave 44% travelling by car, cycle or on foot. Parking provision for the proposed development is very low, which will increase demand for already inadequate residents' parking spaces. And the routing of buses along Lots Road will deflect parking pressure on to the surrounding streets.

15.7 The LBHF and RBKC UDPs and the London Plan all identify the need for high trip-generating development to be located in areas well served by public transport. This site is not well served. Even after the proposed improvements, its PTAL would rise to only 2-3 whereas 3-4 is required for a development of this density. The proposals do not comply with LBHF UDP Policy TN2. Development in both Boroughs should be limited to the capacity of existing public transport systems or else there should be a more fundamental upgrade than so far offered.

15.8 All in all, the proposed development conflicts with LBHF UDP Policy TN13 and RBKC UDP Policy TR28. And, if the proposals are accepted, the consequence will be increased atmospheric pollution on what are already some of the most intensely polluted routes in the designated RBKC Air Quality Management Area (AQMA).

15.9 The Environment Agency initially raised a number of objections. The Trust is alarmed that over-development of the creek and riverside will reduce flood storage capacity and increase the flood risk upstream and downstream. It also agrees that the opportunity has not been taken to create an impressive riverside/creekside park with terraces down to the river. The riverside walkway should be enhanced by a continuous tree line, as exists already along Cheyne Walk and Chelsea Embankment.

15.10 Provision of public open space is far from adequate and the calculations of it misleading. Buildings will overshadow the inadequate and narrow riverside walkway. The spaces should be enhanced to accord with planning guidelines and a riverside walkway provided that can cope comfortably with cyclists, pedestrians and leisure walkers. The Trust sees no undertaking in respect of educational facilities to cope with the expanded population, nor any provision for open-air sports facilities to allow team ball games. All of these matters should be addressed, particularly the inadequate public open space. At present, the proposals conflict with the standards specified in both UDPs and also the London Plan and national guidance.

Mr James Wilson is a local resident.[B]

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

[A] Document CD212.
[B] Documents O/4, O/4/1 and O/5.

15.12 All traffic will access the site from RBKC (from Lots Road). The site has the lowest possible PTAL index. The transport package being put forward will not raise the PTAL sufficiently to justify the high density of the proposed development.

15.13 The development, along with the proposed extension of the Congestion Charge Zone (CCZ),[A] will have a severe impact on traffic in the area. A large volume of traffic will use Lots Road as a rat run to try to avoid traffic jams at the fringe of the CCZ. The proposed increase in the congestion charge will exacerbate this. How can development traffic be said to have no impact? The enhanced bus services will be of minimum benefit because the buses will be stuck in grid-locked traffic – if, indeed, they are ever implemented on the scale proposed. The river bus will not be economically viable. There must also be doubt about whether the long-proposed station on the WLL will ever be built. Even if it is, there is a proposal for through trains not to stop at minor stations (of which Imperial Wharf will be one).

15.14 The proposed development will have a detrimental effect on residents' parking bays in the area, which at peak times are already used at capacity and over. Many residents of the development will apply for parking permits even though they have their own off-street parking (partly because they allow borough-wide parking). As a result, existing residents will have nowhere to park. They already have difficulty parking close to their homes – a real problem with young children and/or shopping, especially if it is raining.

15.15 The height of the proposed towers is totally out of keeping with the local area. They have been designed for the long views from downstream, to the exclusion of other aspects. If allowed, they would set a precedent for similar development in the area. If these proposals are permitted to override the requirements of the UDP without any compelling justification, it will not be logically possible to resist similar proposals in the future – and there are several sites in the vicinity with the potential to be redeveloped.

15.16 That would cause even greater traffic problems and put even greater pressure on local amenities and open spaces. There are already problems in the area due to lack of facilities for children. The proposed school will mean the loss of the adventure playground at the Ashburnham Centre and its relocation in Westfield Park will simply reduce the already inadequate amount of space available for other people to use. For example, there is already nowhere for children to kick a ball about and nothing in the proposals to remedy that.

15.17 The application and appeal breach the UDPs of the respective Boroughs on numerous levels. The very high density proposed will have an enormous impact on an area hemmed in between the Thames and the WLL and suffering from poor quality transport.

15.18 Lastly, the GLA's position is generally to protect wharves. RBKC has objected to the continued safeguarding of Cremorne Wharf based on the impact on residential amenity and on the road network,[B] but the GLA resists the objection. If RBKC has concerns about the traffic implications of Cremorne Wharf, that must be important in relation to the traffic implications of the proposed development.

[A] Document GLA/6.
[B] Document O/4/1.

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

15.19 He endorses the criticisms made by the Fulham Society and especially those by LRAG and the many residents who have written.

15.20 Wide-ranging experience in the Council housing and housing association sectors points towards development at a human scale, with a strong bias towards terraced housing. That is in line with the wishes of his constituents. Experience suggests that a tower block estate will be a social disaster which will fail to provide a sustainable community.

15.21 It has always been envisaged that, should a change of use to residential be granted for the site, development would be to a human scale, in keeping with the existing housing and community. Local planning policy reflected has this. The site is quasi-landlocked, which leads to significant traffic build-up and also explains the minimal public transport. The proposed WLL station could be of only limited benefit. What the area really needs is a new underground station.

15.22 On the proposals themselves, why does the affordable housing not get a river view? And why is the affordable housing ghettoised in the least attractive parts of the site? And are buildings of up to ten storeys what are really needed for some of our most disadvantaged citizens? The lessons of the 1960s and 1970s appear not to have been learnt. The space standards in the affordable housing are the bare minimum (the market housing is 25%-95% larger) and include internal kitchens and bathrooms. The underground car parks are completely inappropriate for social housing and are only necessary to help increase the overall density of development.

15.23 PTAL and the guidance in PPG3 seem to have been applied with elasticity. The density, at about 749hr/ha, is three times the recommended UDP maximum. The PTAL measure expects a shopping centre within 10 minutes' walk but Fulham Broadway is more like 20 minutes away. There is no open space where children could play football. Nor is there any in the vicinity.

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

15.24 Many comments apply equally to the LBHF site, though her first concern is with the impact on the residents in her ward. She is not opposed in principle to the development of the power station site – for example, with a scheme in accordance with the original design brief. She shares and supports the views expressed by the Chelsea Society and the London CPRE.

15.25 The first planning application, for a slightly different scheme, was refused permission in 2002. Many of the objections (in particular, the height of the buildings, the density of development and the poor transport infrastructure) apply equally to the present scheme.

15.26 Transport infrastructure is weak due to the absence of an underground station, the limited WLL service and the inadequate choice and frequency of bus services. The situation will only become worse if the proposed Lots Road school is built. It was not taken into account in assessing the impact of the proposed development. The proposed CCZ extension will exacerbate the problems. The improvements offered by the applicant are unlikely to produce a transport infrastructure that will accommodate the scale of on-going development in the area. The traffic assessment underestimates the likely extent

[A] Document O/6.
[B] Document O/7.

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

15.27 The nature of other community benefits offered by the applicant raises several questions. Will the affordable housing be an attractive proposition, given the likely levels of service charges? Will the Ashburnham Community Association be able to function effectively within the new development? Where will the sports facilities go? Can the money for Westfield Park be used effectively? Is there sufficient incentive to establish the sort of small businesses (post office, pharmacy, grocery) that will be needed? Will the surgery space be adequate? Do the police consider the open space to be safe and secure? The proposed benefits may appear attractive at first blush – but will they be sustainable and are they what the community needs? Are they really adequate compensation bearing in mind the adverse effects of the scheme?

15.28 The power station operated for over 100 years, fuelled first by coal and then by oil. The site is heavily contaminated. Extensive works, over a long period, will be required to clean it up. That may well cause a hazard to people living in the neighbourhood, as well as disruption and nuisance to a wider population. There are legal requirements to be met but local people are apprehensive about the adequacy of the safeguards.

15.29 In short, the proposed development will have a huge adverse impact on local residents. The poor transport system will inevitably become worse. The scheme is contrary to the RBKC UDP and the design brief. It should be refused so that everyone can go back to the drawing board to devise a scheme that pays proper regard to the needs and wants of the community.

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

15.30 The Society's principal concerns are the height and scale of the proposals and the related matters of massing, over-development, density, effect on river views, traffic generation and the adequacy of public transport provision. It welcomes appropriate development of the site, supports retention and conversion of the power station and commends what it considers an imaginative scheme for its rehabilitation.

15.31 Various illustrations suggest that the two towers would be relatively slender, though the Society regards their height as totally inappropriate for this section of river frontage and the model at the inquiry shows just how overpowering and intrusive they would be, especially in relation to the power station. They are wholly unacceptable. They fail against most of the eight clauses in Policy EN9 in the LBHF UDP. One of those clauses is to consider local opinion, which is virtually unanimous in opposing the proposals. Whatever the detailed calculations, the proposed density is far in excess of the maximum permissible under Policy HO7 and Standard S2 in the LBHF UDP. No reasonable justification has been provided for this departure from policy. The existing power station is recognised as a key landmark on this section of the Thames. The Belvedere is also a landmark. The proposed towers would harm the settings and views of both landmarks. They are also too close to the river and will further extend what has effectively become a corridor stretching from Greenwich to Battersea.

[A] Documents O/8 and O/9.

15.32 The officers' report to Committee in March 2002 described the local road network as 'already heavily congested not only at peak periods ...'. Anyone with any knowledge of traffic conditions in the area will know that that view is correct. Football matches at Stamford Bridge add seriously to the problem because the closure of part of Fulham Road disrupts traffic and because added pressure is put on restricted parking throughout south Fulham. Lots Road cannot be looked upon as an isolated development. Imperial Wharf and other schemes in the immediate area are already generating increased levels of car usage. The proposals can only bring a further increase.

15.33 PTAL calculations for the site appear to be influenced by proximity to a town centre. Fulham Broadway, Hammersmith Broadway and Shepherd's Bush are designated town centres. King's Road West is a local shopping centre and should be disregarded for the purposes of calculating PTAL.

15.34 The immediate vicinity of Chelsea Creek is a well-established and peaceful wildlife habitat but there appears to be no evidence addressing the effect on that of large-scale urban development and the numbers of people who will be living in or visiting the area. The creek has also long been a valued recreational amenity for fishing but it is unclear how that will be affected by the proposed development.

15.35 In short, there should be development of the whole of the site but it should be far less obtrusive and at a scale more appropriate to this part of London and its riverside location.

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

15.36 The main concerns are the wholly inappropriate height of the proposed towers, the inadequate public service infrastructure for a population increase of around 2,000, the inadequate public transport in a relatively inaccessible area, the threat to nature conservation and the effect on the amenity of residents of Chelsea Harbour from the scale, mass and siting of the proposals.

15.37 A similar scheme (but with fewer units and a lower tower) was rejected by LBHF in March 2002.[B] Far from being addressed by the present proposals, the adverse effects found in that earlier scheme (including the height and scale of the proposals, the effect on views and the unacceptable traffic generation) have actually been made worse.

15.38 On public transport, the WLL offers only a cumbersome route in either direction with a change to another route or mode being necessary; and the Strategic Rail Authority's present proposals could mean all southbound trains terminating at Clapham Junction. District Line trains are overcrowded by the time they reach Putney Bridge or Parsons Green. It is impossible to get on if changing from the WLL at West Brompton. Also, the river boat has a sorry history, with no operator managing to make a success of it; it is not an attractive option, especially with a fare of £8.

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

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

A Document O/10.
B Document CD46.
C Document O/11.
D Documents CD46 and CD46A.

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

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

15.41 She made general comparisons between London and New York, Paris and other major cities before describing the charm of Kensington and Chelsea, Hammersmith and Fulham and the adverse effect the proposed towers would have. She wondered how the proposed development would benefit the existing residents of Chelsea.

15.42 CABE and English Heritage may support the proposals but no local people appear to. The towers might be appropriate in Hong Kong or Dallas but do not enhance the historic boroughs of Chelsea or Fulham, or the River Thames, in any way. Instead of enhancing it, the unique neighbourhood feel of the Lots Road area would be lost forever.

15.43 There are 'five simple suggestions' for a much better development. Remove the twin towers from the design, decrease the density of development and thus give all residents a wonderful quality of life. Save Lots Road Power Station as a landmark, just as Bankside and Battersea power stations have been saved. Add much more green space along the river and make it easily accessible to all Chelsea and Fulham residents. Provide parking at one space per unit for residents. Instead of shops in the power station, provide an education centre and exhibition and performance space.

15.44 Good city planning brings order, proportion, light and beauty to space. One of London's most precious sites will be defiled by the alien blocks of steel and glass proposed here with no regard for context.

Mr Harvey Heath spoke on behalf of **the Battersea Society.**[B]

15.45 The Society is in complete agreement with the Chelsea Society and RBKC on the visual impact of the proposed towers, considering them too large for the site and damaging in views from and across the Thames. It also supports the WLRG in opposing the 'canyonisation' of the Thames by tall buildings along its banks and on the role of Chelsea Creek within the network of London's waterways.

15.46 Circadian seeks to justify the overpowering size of the proposals in terms of the policy imperatives of maximising the delivery of residential development and of affordable housing and of using previously developed land. It cannot, however, be the intention of policy that housing schemes meeting those imperatives should be approved irrespective of their effect on the local environment. The issue here is whether the proposals, especially the towers, are acceptable in terms of other planning policies. Similarly, the 50% affordable housing is supported in principle but must be applied to schemes that are otherwise acceptable in planning terms.

[A] Documents O/12, O/13 and O/14.

[B] Docvs O/15 and O/16.

15.47 Circadian also makes much of what it claims is the high architectural quality of the proposals and the commendations from certain expert bodies. But architectural quality cannot be considered in isolation from the characteristics of the site on which the scheme would be built, including its relationship to the surrounding area. The Society is not opposed to tall buildings as such – but they should enhance, not destroy, the urban landscape. Here, Lots Road Power Station, a familiar and striking landmark, to be compared with Bankside and Battersea Power Stations, would be obscured in most views from the Thames by the proposed towers.

15.48 The Montevetro building was a planning error, despite its famous architect. It shows the danger of being seduced by the selective presentation of a proposal. Its existence should not be taken as justification for erecting progressively more dominant and overpowering buildings in the area, in a kind of architectural leapfrog. Nor can it be said that there is a cluster of tall buildings in the area, straddling the river. Indeed, there is a strong case for a more restrictive policy on the height of buildings in the immediate vicinity of the power station, as indicated in the planning brief produced by RBKC.

15.49 Tall buildings should also be 'appropriate to the transport capacity of the area'.[A] The site is not well-served by public transport and is close to existing traffic bottlenecks at the road bridges over the Thames – which would have a considerable effect at rush hours on traffic conditions south of the river. The improvements proposed by Circadian would be relatively ineffective and significant additional traffic would be generated, which could only worsen congestion at the north end of Battersea Bridge.

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

15.50 The density of Chelsea Harbour is about 133 units per hectare (u/ha); high density can be achieved without recourse to large and overpowering buildings. The height of the proposed towers would be too great for the areas of open space around them. The height and bulk of the buildings should not be such that people will feel overpowered and oppressed by them. The existing urban texture of Kensington is successful, with limited general heights and the occasional spire or tower to add focus or punctuation to the overall composition. There is no townscape need for tall buildings on this site. They would be oppressive and overbearing. Nor do other things weigh in their favour.

15.51 Lots Road is frequently clogged with parked cars and vans but the proposals would cause more. The Circadian scheme does not provide all the on-site parking that will be needed. Corner shops cannot cope with current needs so cars would be needed to bring home heavy shopping. The proposed railway station between Imperial Wharf and Chelsea Harbour has been promised on a number of occasions but there is no firm date for its completion. The water bus service is infrequent and uncompetitive. Cycling is not part of the solution, given the traffic conditions and the potential health risks from pollution.

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

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

[A] Document CD174 – eighth bullet point in Policy 4B.9, on p.182.
[B] Document O/17.
[C] Document O/18.

15.53 The UDPs of RBKC and LBHF must be taken into account as part of the development plan. The London Plan[A] recognises the relationship of its own policies to local policies. For example, Policy 3A.26 promotes neighbourhood planning, Policy 4B.3 requires intensity of land use to be compatible with local context and transport capacity and Policy 4B.7 requires respect for local context and communities. Policy 4B.8 says that Boroughs may wish to identify areas of specific character that could be sensitive to tall buildings and Policy 5B.1 includes as a strategic priority for Central London the identification of areas suitable for tall buildings. Until Sub-Regional Development Frameworks (SRDFs) are prepared, UDPs are the local development plan. It is recognised that it may be appropriate, where a proposed development is so substantial, that granting permission for it could prejudice the preparation of a Development Plan Document (DPD) by pre-empting matters that ought to be addressed in it.

15.54 There are no planning policies that would support or require the two towers proposed for this site. The proposals for the power station itself are much appreciated – but it would be overpowered and obscured by the towers, instead of being deferred to. The towers would not be suited to their wider context in terms of proportion and composition, as required by London Plan Policy 4B.9; nor would their impact be acceptable, as required by Policy 4B.8; nor would they have a human scale of interaction with the streets, public spaces and waterside, as required by Policy 4C.20. Nor have the vast majority of the other Blue Ribbon Network (BRN) policies been taken sufficiently into account; in particular, Policy 4C.12 (with support from Policy 4C.27) requires uses of land alongside the BRN to be prioritised in favour of those that specifically require a waterside location; also, Policy 4C.18 protects the activities at Cremorne Wharf, alongside the site.

15.55 To satisfy Policy 4B.9, large scale buildings should be 'attractive city elements as viewed from all angles' – but the towers are almost twice as wide on one axis as on the other and those wider façades would be bulky and oppressive, harming the views from various parts of the Thames, from the nearby conservation areas and from the Lots Road triangle. Policy 4B.8 promotes tall buildings where they 'help to provide a coherent location for economic clusters of related activities' but that appears to apply to commercial development and there is no cluster here, nor would there be.

15.56 The PTAL for the site will reach only an average of 3, even with the proposed public transport improvements. And it may take until 2012 to achieve that. Most journeys from the site for work or leisure would involve a change of bus, train or tube. The proposed density would be considerably higher than at the World's End estate – but would be contrary to the guidance in PPG3 because the requirements for that high a density are not met. PPS1 requires development to be focussed in existing centres and near to major public transport interchanges. This site does not seem to qualify as either. It is not clear that the nearest centre, King's Road West, would be sufficiently near or attractive to those living in the proposed development. A density of 300-450hr/ha would seem to be appropriate for a high 3 PTAL; the proposed density, over 700hr/ha, is clearly excessive. It would be difficult to meet the resultant demand for road space, on-street parking, transport facilities, health facilities, other social and support services and leisure space. Without the towers, and with a reduced housing density, the layout could be improved and many of the concerns satisfactorily addressed.

15.57 The evidence on behalf of the Mayor suggests that he thinks the overall scheme to be in the interests of good strategic planning. However, it fails to accord with the policies of

[A] Document CD174.

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

Mr James Wooster is a Battersea resident.[A]

15.58 The scale of the opposition must prompt the question of why Circadian's proposals have provoked such hostility – the answer being that they are oppressive, a reckless assault on local amenities, because the preposterous and wholly unreasonable size of the buildings would permanently blight the lives of thousands on both sides of the river.

15.59 Montevetro and Albion Wharf have already stolen precious daylight and sunlight from properties in the vicinity of Morgan's Walk. The proposed development would not only overshadow the Thames in the evening but would obscure the sunset for those living in Morgan's Walk. The residents would be overlooked by hundreds of apartments on the other side of the river. Traffic in the area has recently got dramatically heavier and slower, partly because of Montevetro and Albion Wharf. Given also the proposed school at Lots Road, it is irresponsible of the planning authorities even to think about allowing development at the density proposed. Public transport, shopping, education, health, policing and social services will become more crowded, slower, poorer or more stressful.

15.60 The site must be redeveloped – but not on the scale proposed. Only if one disregards the surroundings, both buildings and people, can the proposed development begin to seem reasonable – but they cannot be disregarded.

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

15.61 It is strange that Sir Terry Farrell, whilst being credited with healing the damage done to the urban fabric in the 1960s by his new building to replace the Marsham Street Towers, has designed two towers for the historic Chelsea riverbank with no concern for the context of an essentially residential area. There has always been the potential for imaginative redevelopment of the Lots Road area – and the proposals for the power station are to be commended – but the proposed towers would contaminate the riverbank, environmentally, aesthetically and historically. How can they have been conceived in this more enlightened and sensitive age, which is mindful of the mistakes of the 1960s? They would make the World's End towers, dating from around that time, look positively friendly. Remove the towers from the scheme and there would be room for more public open space, which London badly needs.

15.62 Montevetro, not a widely supported building, was allowed because it would fit in with the Somerset towers, unsightly buildings the likes of which have been demolished elsewhere. Now, it is argued that this proposed development will bring well-conceived contemporary urban design, including the two towers, to improve the local townscape. How can that be so? Surely what is closer to the truth is that the towers will dominate the skyline, sideline a landmark building (the power station) and compete with historic buildings along the riverside. They would destroy historic views painted by Turner, Whistler and Monet.

[A] Document O/19.
[B] Document O/20.

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

Mr John Rawnsley spoke for **Ms Paloma Barcella**.[A]

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

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

15.65 Lady Berkeley is Vice-Chair of the Society and planning officer for the Central Tideway and Estuary Branch. The Society's aims are – to protect the natural beauty of the river, adjacent lands and buildings of historic and architectural interest and to promote nature conservation; to support and contribute to the efforts of other organisations with similar interests in the river; and to preserve and extend amenities and to encourage the use of the river for all purposes.

15.66 The River Thames is dying, suffocated by piecemeal unsustainable development which has not looked at the long-term needs of a working river for London's wider community. The cumulative effect is that, while the shipping, boating and marine industry is growing elsewhere in Britain, it has suffered neglect and under-investment in London over the last three decades.

15.67 The Thames's five key functions are drainage and water supply, as landscape, for open space and ecology, as a transport artery and for leisure, recreation and tourism. But everything along the river is in decline, apart from residential development and the ubiquitous windswept Thames Path, devoid of people or river-use activities. Having been encroached on over time, the Thames, with its vital open space and public realm, simply cannot be narrowed any more. The time has come to put an end to the insidious cumulative loss of riverside needs, marine infrastructure and key functions and to take responsibility to hand a thriving river down to future generations.

15.68 The application site is an important opportunity for helping to regenerate and rejuvenate the Thames as a working river. It is half way between the World Heritage Sites at Kew Gardens and the Palace of Westminster. The Lots Road Power Station is a powerful landmark. It symbolises the importance of the river to London – as a working river, as a transport artery bringing life, culture and wealth to the capital and as a contributor to the dominance London still holds on the world stage. The quayside here should be bustling with boats and riverside activity. The creek should be a safe haven from the fast-flowing currents of the river.

[A] Document O/21.
[B] Documents O/22 and O/23.

15.69 The Mayor recognises the importance of the Thames in the London Plan. But the approach of the promoters in their evidence is misconceived. Their starting point is to consider the proposals and then look for policies which, on their, face are relevant to them. Consequently, a raft of significant policies to do with the use of land for purposes connected with the river is inadequately addressed. The London Plan places the Blue Ribbon Network (BRN) policies at the centre of the Mayor's vision and objectives in a way that the draft of 2002 did not. The starting point must be to address how a riverside or waterside location might be used for river functions. The evidence for the proposals fails to do this. It fails to acknowledge the centrality of the BRN policies to the Mayor's vision for London. Nowhere is any specific consideration given to the conformity or non-conformity of the proposals with various BRN policies.[A]

15.70 The BRN policies are crosscutting policies. Policy 4C.1 provides that the strategic importance of the BRN should be recognised when considering applications and that decisions should be based on BRN Principles. Policy 4C.2 provides that development and the use of water and waterside land along the BRN should respect resource considerations and natural forces in order to ensure that future development and uses are sustainable and safe. This ties in with Policy 4C.12, which provides that the uses of the BRN and land alongside it should be prioritised in favour of uses specifically requiring a waterside location. Policy 4C.13 encourages new development facilities that increase the use of the BRN for passenger and tourist traffic. Policy 4C.14 supports development and facilities that increase the use of the BRN to transport freight. Policy 4C.16 encourages sport and leisure use. Policy 4C.18 encourages new waterway support facilities, infrastructure and activities supporting use and enjoyment of the BRN. Policy 4C.19 addresses new mooring facilities. Policy 4C.20 seeks a high quality of design for all waterside development. Policy 4C.21 provides that development should be attractive and appropriate. Policy 4C.24 recognises the essential role of the Thames and promotes greater use for transport and water-based leisure uses.

15.71 Many kinds of development which would be in conformity with these BRN policies have not been considered. The BRN policies do not envisage developments of housing with collateral benefits to the community – they envisage developments prioritised in favour of uses that would benefit a working thriving river. First priority should go to tourism, recreation, education, transport and freight on the precious sites, including this one, that provide opportunities for those uses. If such sites are not safeguarded, the cumulative effect of ignoring them will be that the uses will become completely impractical.

15.72 Facilities for boat users – places to moor, providing somewhere to get food and drink and to use showers and toilets – are badly needed on this stretch of the Thames. The creek has potential as a dinghy park but the proposals offer scant facilities for stopping off with a dinghy. The land could be used for small businesses associated with boats, for boat repairs and a chandlery, and to provide for fresh water and sewage discharge. The dormant wharf could be re-activated with help to ensure that freight became a viable alternative once again. The creek would be ideal place for narrow boats connecting from the canal network to stop and moor. And any number of tourism uses can be envisaged. Access to the river means to the river itself, not just to walkways and cycle routes alongside it. LBHF is the only riparian borough without a single point of access to the river. Housing on the site should be well set back from the river and creek to allow riverside business and activity to be prioritised.

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

15.73 Instead of that, the canoeing which is to be supported by the development is of limited significance in the context of the wider needs of the river as a whole. And the terracing and bridges would prevent boats from entering the creek by restricting both the depth of the water and the height of the clearance. There has been no attempt to bring forward any proposal which genuinely meets the needs of the river. This is a flaw at the heart of the proposals. The evidence presented by the promoters fails to engage with the relevant BRN policies, adequately or at all, either individually or collectively.[A]

15.74 The failure of the Environmental Statement (ES)[B] to address the short or long term needs of the river is a matter of serious concern. There is insufficient information in the ES to make a decision on the proposal. The precautionary principle should be applied.

15.75 The impact of noise from boats on housing development can be very detrimental. The site is an inappropriate one for housing because of its proximity to the water and the impact the use of the river would have on the housing.

15.76 The failure of the evidence to address issues of sustainability is critical. Chapter 2 of the RBKC UDP places the question of sustainable development crucially within the context of Agenda 21. It advocates a more sustainable approach to waste and, in particular, to safeguarding riverside sites for waste recycling, treatment and transfer facilities which are seen as having the potential to play an integral part in a future river-based waste management system.

15.77 The proposals fail to conform to the transport policies of the London Plan and the policy guidance in PPG13 by failing to take the opportunity presented by the riverside location. The site provides a natural harbour and quayside but the proposals would actually reduce its potential use, thus failing to relieve pressure on the congested surrounding roads. Not to make use of the dormant harbour fails to 'extend choice of transport ... that supports sustainable development'.[C] The scheme fails to promote transport choices for people and freight, fails to promote any change of emphasis between transport modes and thus fails to reduce the need to travel by car. There are car parks in the scheme – but no dinghy park and no provision for residents to keep a boat.

15.78 Damage to and loss of waterway facilities have already strangled the boat and maritime industry. Boats have been squeezed off the river. A whole generation of river neglect has caused almost irreversible harm to the marine industry and its vital infrastructure. The proposals would continue that trend despite the policy approach of PPG13 and the London Plan. It is unsustainable and unacceptable to block and ignore the major marine infrastructure at the site and invest instead in off-site water transport. Investment on-site and off-site are both critical to ensure rejuvenation of sustainable river transport for both people and freight. Far from opening up the waterways and river, the proposals would have the effect of severing the site from any useful water-based purpose in the future.

15.79 The proposals should be refused as representing a serious disbenefit to the needs of the river, both now and in the future. They fail to address the impact of closing down the site to river-based transport and leisure use. They fail to accord with key sustainable and waterway transport objectives and policies in PPG13. They fail to accord with the BRN policies of the London Plan. They would be detrimental to the character of the river because they would change its use and diminish its heritage. And they would be

---

A Document O/22 – paras. 60-89 deal comprehensively with the evidence from individual witnesses.
B Document CD54.
C Document CD130 (PPG13) – from para. 2.

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

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

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

15.81 The sheer size of the proposed development, its bulk, particularly the towers, would be wholly out of keeping with the surrounding area. The height of the towers would dwarf the surrounding area. They would be visible from Paultons Square, particularly its west side, and they would inevitably cast a shadow – which would be much worse for those living close by. The density would be unacceptable, particularly when counted with Imperial Wharf and other developments, some completed, some being built.

15.82 The lack of public transport would mean an inevitable increase in the numbers of cars on the roads. There has already been a steady increase over the years, particularly on King's Road, which would most likely be brought to a standstill. The insufficiency of local amenities also counts against the proposals. Doubtless there would be efforts to improve them – but they are totally inadequate for the influx of residents that would result from the development.

15.83 If built, the scheme would act as a precedent for future development. If there is, or would be, a cluster of tall buildings, then that would be justification for others to follow.

15.84 What would be the benefits for this part of Kensington and Chelsea? None have been put down on paper. No local residents seem to support the proposed development. This is a very attractive area, rich in fine architecture. Its residents have a sense, better than most, of what would be best for it. The proposed development is not it.

Mr Arthur Tait spoke as Chairman of **the Friends of Brompton Cemetery**.[A]

15.85 The Friends have the support of the Royal Parks, as managers, in helping to promote and improve all aspects of the Cemetery. The Friends support the evidence of RBKC.

15.86 The Cemetery is a lung of green open space in a heavily populated part of London with no other open space in easy reach. It is a Conservation Area. Thousands of people visit it every year. The two proposed towers, particularly the 37-storey tower, would clearly damage the historic vistas from the Cemetery. The Conservation Area Proposals Statement specifically warns against just the sort of visual intrusion to be seen in the views brought in evidence by Circadian. The suggestion that the appearance of the towers in some views would be beneficial is completely and utterly refuted. The taller tower would jar with the carefully planned layout of the Cemetery. It would be visible where the power station chimneys are not.

15.87 The Cemetery is, in effect, an open air cathedral. It would be curious to inflict on those within a cathedral an intrusive, incompatible, illogical design feature. Here, the altar of the open air cathedral is the Anglican Chapel and the tower would be seen alongside or against its silhouette. The Chelsea FC stadium has been described as an 'ungainly

[A] Document O/24.

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

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

15.88 It is a commonly held belief that engineering solutions are usually possible to alleviate any given set of transportation problems. That is not so here. The junction of Lots Road and King's Road is already near to capacity in the morning peak and the junction of Lots Road, Cremorne Road and Cheyne Walk is a cause for concern at certain times of day. Other nearby developments (Imperial Wharf and Chelsea Academy in particular) will also impact on these junctions. That is why some councillors wished to go further than the committee as a whole and reject the proposal on transportation grounds.

15.89 The density of the scheme before committee in October 2003[B] was 667hr/ha. The agreed figure for the whole scheme, excluding the creek, is 711hr/ha but that rises to over 800hr/ha on the RBKC part of the site. The RBKC UDP says that the very high density of 350hr/ha can only be justified for townscape reasons. Even the conversion of the power station results in a density of 411hr/ha, well in excess of the UDP maximum. The effect of such high densities will be pressure on car parking spaces, significant traffic generation and additional service traffic.

15.90 Kensington and Chelsea already has the highest population density in western Europe. The provision of open space and play space for children is thus particularly important. It is already poor in the south of the Borough. People go to Brompton Cemetery because they have nowhere else to go. The proposed scheme does not adequately address open space and play space provision. The Imperial Wharf development is also deficient in this regard. Taken together, very little will materialize from the two schemes in what is already the most densely populated part of London.

15.91 Overall, and despite the views of the Mayor, CABE and English Heritage, the proposals amount to a massive over-development which should be refused on the grounds of height, transportation and density.

Mrs Kate Phillips spoke on behalf of **the Ashburnham Parent and Toddler Group.**[C]

15.92 She endorsed the points made by the LRAG and by Cllr Kingsley on the disposal of harmful materials from the site.

15.93 Parents in the area are extremely nervous about the disposal of asbestos from the site. There is a vast quantity of it in the power station and monitoring information on its disposal on a day-to-day basis would be justified.

15.94 The existing community centre, toy library and day nursery on the site of the proposed school are under threat and Westfield Park appears to be being used as a bargaining chip. Under-fives need their own safe play space away from older children, a need that should be taken seriously. A basement community centre and a day nursery without outside space, which seems to be what Circadian is offering, are not appropriate.

A Document O/25.
B Documents CD20, CD21 and CD22.
C Documents O/26 and O/27.

15.95 Has there been a traffic study to look at the joint impact of the proposed development, the proposed school and the CCZ extension? In that context, a few extra buses and changes to the traffic lights would not make any real difference. Parents do school runs in and out of the Lots Road triangle every day. Traffic in New King's Road (east-west) and Warwick Way and Earl's Court Road (north-south) barely moves for two or three hours a day. If the proposed school comes to Lots Road, it will make things worse. And, if the CCZ extension comes, those same roads will be the new boundary and will become as bad as Marylebone Road is now.

15.96 Like many others, the group would welcome regeneration of the site – but not with these proposals. Also like many others, the group wonders how three years can have been spent fighting proposals that were fundamentally flawed from the start – contrary to the planning brief and the UDP as it then stood.

Councillor Steven Redman represents Cremorne Ward, RBKC.

15.97 He thought the proposed towers inappropriate for the site, and likely to cause serious overshadowing, but concentrated his evidence on the type of housing proposed and on transportation.

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

16 WRITTEN REPRESENTATIONS

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

Objections

16.1 Over half of those objecting refer to architectural and urban design. Many object simply to the height of the proposed towers, many to the density of development overall and some to both. Around fifty object to a perceived lack of open space (taken to include public open space, play space, the bank of the Thames and landscaping). A similar number see a lack of local facilities (primarily education and health and, to a lesser extent, policing). The other relatively common cause of objection is the effect on residential amenity – daylight/sunlight/overshadowing and the effects of traffic being the principal concerns. Aspects mentioned by only a few include safety (terrorist target, proximity to helicopter flight paths and during construction), the provision and design of affordable housing, social concerns, ecology and nature conservation. There was also one letter querying the effect on the water table in the area.[B]

16.2 **The City of Westminster** objected to the effect of the proposals on views from the Churchill Gardens Conservation Area and on the setting of Albert Bridge.[C]

16.3 **The Metropolitan Police** objected initially but then withdrew that objection.[D] The letter refers to specific matters which have either been resolved or are matters of detail thought capable of being resolved. They include defendable space and the permeability of the site, underground parking facilities, cycle storage and 'Secured by Design' issues such as door and window sets, communal door locking and access control, and also CCTV.

16.4 **The Environment Agency** also objected initially but then withdrew its objection, saying it is now satisfied with amendments made to the scheme. A Position Statement explains the withdrawal and why it seeks conditions on certain matters (ecology, flood defence, recreation and contamination).[E]

Support

16.5 **English Heritage** wrote[F] confirming the 'broad support for the proposals' previously given and noting that a management agreement between it and Circadian[G] would secure protection of the important elements of the power station.

16.6 **CABE** wrote to set out its earlier involvement with the project, attaching copies of its earlier letters.[H] In essence, it has always supported the broad principles of the project and considers that amendments over the period have resulted both in a successful sequence of spaces and in locations and heights for the two towers that work well.

A Documents CD8 and G/4
B On which a response from Circadian allayed any fears I might have had.
C Document G/4(1)
D Document G/5
E Document G/6
F Document G/7(1)
G Document A/10
H Document G/7(2)

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,[A] 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.[B] 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.

[A] 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.

[B] 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.

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.[A]

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.[B]

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.[C] 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[D] 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.[E] 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.

A See Documents CD47-CD51.

B 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.

C Document A/17.

D Document A/18.

E 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[6.10-11] 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.

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.[A] The LBHF part of the site is identified in the LBHF UDP[3.6] as Site 22A, Chelsea Harbour 2, a mix of residential and open space use being said to be appropriate.[B] The site benefits from the extant planning permission for phase two of the Chelsea Harbour development.[C] The RBKC part of the site is identified in the RBKC UDP[3.4] 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.[D] The schedule indicates that there is a planning brief; it was adopted in 1998,[3.5] acts as supplementary planning guidance and seeks 'a primarily residential environment'.[E] Lady Berkeley's objection[15.65-80] (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.[F]

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)[G] 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.[H] 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.[I]

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[6.61] – 47% overall. RBKC,

---

A For example, paras. 6.47 (Circadian), 7.1 (GLA), 8.3 (LBHF), 10.1 (CHRA).
B Document CD222 – p.312.
C Document CD13 – Circadian refers to the extant planning permission as its fall-back position (paras. 6.26-36).
D Document CD199 – the Schedule of Major Development Sites at p.366 and Policy H15 at p.115.
E Document CD206 – para. 1.13 on p.7.
F For example, paras. 6.47 (Circadian), 7.1 (GLA), 8.3 (LBHF), 10.1 (CHRA), 14.8 (WLRG) and 15.1.
G 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.
H Document CD3 – the plans at pp. 13 and 14.
I Document CD2 – the plan at p.12.

LBHF and the Greater London Authority (GLA) are all content with the amount and type of provision,[A] which would be secured by the executed section 106 obligations.[B] 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[C]

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'.[6.55] 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.[7.14]

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.[D] 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.[E] Accordingly, it should be applied with judgement.[7.17]

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.[F] 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.[7.18] That would be increased by the sustainable and intregrated transport improvements (SITS) package, which is secured by the section 106

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

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

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

D Document CD174 – pp.176-177.

E Document CD174 – paras. 4.45 and 4.46 on p.176.

F Document CD291 is a summary guide on measuring PTALs.

obligations, to between a high 3 and a low 4.[A] Circadian argues that the PTAL would increase to 4 on the standard calculation methodology,[6.57] assuming four trains an hour on the West London Line (WLL) and four services an hour on the river taxi.[B]

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.[C]

19.16 Is this site 'urban' or 'central'? Draft supplementary planning guidance (SPG) defines the site as part urban, part central.[7.22] Judgement must, however, be applied to that too. One of GLA's witnesses regarded it as urban, noting the character of its surroundings.[7.22] The site is barely within ten minutes' walk (at 4.8kph)[D] of King's Road (West), defined as a district centre in the 'town centre classifications' in the London Plan[E] and as a principal shopping centre in the RBKC UDP.[F] The text supporting Policy 4B.3 and Table 4B.1[G] 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).[H] 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.[I] 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'.[J]

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.

A Document CD12(1) – para. 2.24.

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

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

D 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.

E Document CD174 – Table A1.1 on pp.A3-A5.

F Document CD199 – Map 13 on p.393.

G Document CD174 – para. 4.47 on p.177.

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

I 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.

J 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.

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[7.24-28] 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[15.19-23] 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[15.61] – 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,[A] 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[2.14]) 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.

[A] 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[A]

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[3.5] 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,[B] 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

[A] 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.

[B] For example, RBKC (paras. 9.7 and 9.28 above).

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,[A] 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.[B] 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.[10.56] 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.

[A] See para. 6.78 above – Document CD245 is the BRE guide to 'Site Layout Planning for Daylight and Sunlight'.

[B] 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'[A] 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.[B]

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.[6.72]. Their rhomboidal form would be evident in the facades. Where seen at their broadest, the angles of the facades would 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),[10.46] 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.[6.73] 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.

[A] 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.

[B] 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.)

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[A]

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.[9.40-41]

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 Battersea or Bankside. 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.[B] 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[6.120]). 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.[6.119] 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

[A] 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).

[B] 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,[A] 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.[6.41] 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,[B] 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.

[A] Document CD174 – pp. 181-183 and 209-210.
[B] Document CD199 – pp. 56 and 73.

19.55 In the LBHF UDP,[A] 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[B]

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.[C] 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[6.129] 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)[D]

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

[A] Document CD222 – pp. 88-89.
[B] Documents A/AS/A (Appendices 4-9) and G/7 (recorded above in paras. 16.2-3).
[C] Document CS1 – section 3.
[D] 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[A]

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

[A] 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.

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)[A]

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)[B]

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)[C]

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.[13.2]

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

[A] RBKC's comments are at paras. 9.12-19.
[B] See paras. 9.47 (RBKC) and 15.85-87 (the Friends of Brompton Cemetery).
[C] RBKC's comments are at paras. 9.44-46.

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.[9.23] 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.[A] 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.'[B] 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.

[A] See, for example, paras. 9.27-43 (RBKC).
[B] Document A/TF/P – para. 3.2.4 on p.28.

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.[6.2] 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.[6.125-126] 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[9.68] – 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,[7.47] 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.[A] 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.[B]

[A] Document CD14 shows all the conservation areas in the vicinity of the site.
[B] Document CD131 (PPG15) – para. 4.14.

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[A]

19.100 Circadian brought detailed evidence to the inquiry.[B] 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,[C] though only nine would have an average daylight factor (ADF) below those guidelines. The dispute lies in how that information should be assessed.

[A] See paras. 6.77-80 (Circadian) and 10.23-24 (CHRA).

[B] 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.

[C] Document CD245 – extracts are in Document A/GI/A1, Appendix K9.

19.101 VSC measures the amount of daylight available at a window plane.[A] It takes no account of how big or small a window is; it also requires no information about the room being lit.[6.80] A VSC of 27% is deemed acceptable and a reduction of up to 20% of the existing VSC would not be noticeable[B] (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.[C] 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,[D] 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.[E]

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,[F] 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[6.83] says that 217 out 270 relevant windows in neighbouring properties would retain sunlight levels in accordance with BRE guidelines. CHRA[10.25] notes that 41 windows would fail the winter guideline and 22 the annual guideline.[G] Worst affected would be nos. 60-88 Lots Road,[6.83] 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[H] 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.

A Document A/GI/P – para. 2.13(i) on p.9.
B Document A/GI/P – para. 2.21.
C Document A/GI/P – para. 2.13(iii) on p.9.
D 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.
E Document A/GI/A1, Appendix
F Document A/GI/P – para. 4.3.6.3 (676 – 632 = 44).
G 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*.
H 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.[6.45]

Impact on traffic congestion in the local area[A]

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.[B] 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,[C] 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.[D] 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

---

A 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).

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

C Document HF1 at para. 10.09.

D 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),[A] 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.[11.1; 15.13] 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.[11.1; 15.32] However, that happens no more than 40 times in a season[B] 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[C]

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.[D] 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.

[A] Document A/HW/A – Figures 4.2 and 4.3.

[B] 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.

[C] 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).

[D] Document CD174 – Table A4.2 on p.A21.

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.

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).[A] 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.[B] 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.[10.12]

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,[C] it would seem inconsistent to count it as part of the open space provision of the development.

[A] 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.

[B] 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.

[C] 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.[A] 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.[B] 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.

[A] Document CD222A – p.7.
[B] Document HF5.

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.[A]

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.[B] 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).[C] 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.[D]

A 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.

B Document RG1C.

C Documents RG3, RG4 and RG6.

D 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

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.

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.[A] 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.

[A] 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.[A]

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'.[B]

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

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

[B] 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,[14.4] 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.[15.72])

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[14.6] 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,[A] which ought not to be impeded by new bridges giving the same

[A] 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.[14.3] 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.

Matter (k) – other relevant material planning considerations

The fall-back position[A]

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[B]

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.

[A] See paras. 6.26-36 (Circadian) and 9.106-108 (RBKC).
[B] See paras.6.37-46.

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[A] 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'.[B] And closing submissions referred to the shopping to be provided.[6.39; 6.97] 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.

[A] Document CD3 – the plan at p.13.

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

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.

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

ANNEX A – APPEARANCES

FOR CIRCADIAN LIMITED (the Applicant)

Mr Keith Lindblom QC Miss Mary Cook of Counsel with him	Instructed by Messrs Addleshaw Goddard, 150 Aldersgate Street, London, EC1A 4EJ.
They called	
Sir Terry Farrell CBE Barch(Hons) March MCP HonDArts RIBA HonFRIAS HonFAIA MRTPI FRSA FCSD	Principal, Terry Farrell & Partners, 7 Hatton Street, London, SW8 8PL.
Professor Robert Tavernor BA DipArch PhD RIBA	Professor of Architecture and Head of Department of Architecture and Civil Engineering, University of Bath.[A]
Mr Gordon Ingram MRICS	Principal, Gordon Ingram Associates, The Whitehouse, Belvedere Road, London, SW1 8GA.
Mr Neil Tully MA MLI	Principal, Neil Tully Associates, 70 Cowcross Street, London, EC1M 6EJ.
Mr Hedley Walker MCIT MIHT BSc MSc	Regional Director of Transport, Capita Symonds, 24-30 Holborn Street, London, EC1N 2LX.
Mr Les Jephson Beng MIAO	Acoustic Consultant and Joint Principal, ANV, Hastings House, Auckland Park, Milton Keynes, MK1 1BU.
Ms Sarah Wilkinson BSc MSc Cphys MinstP	Principal Consultant and Consultancy Manager, Cambridge Environmental Consultancy Limited, 3 King Parade, Cambridge, CB2 1SJ.
Mr Derek Wilson BSc Ceng MICE	Projects Director, Taylor Woodrow Construction Limited, 41 Clarendon Road, Watford, Hertfordshire.
Mr John Marsh BSc(Hons) MSc FGS	Associate Environmental Engineer, Waterman International, Kirkaldy House, 99 Southwark Street, London, SW1 0JF.
Mr Julian Arthur BSc(Hons) MSc MIEEM	Principal Ecologist, CPM Environmental Planning and Design, Akeman House, Coln St Aldwyns, Cirencester, Gloucestershire, GL7 5AW.
Mr Alan Simmonds BSc(EstMan) FRICS	Partner, DP9, Cassini House, 57-59 St James, London, SW1A 1LD.

FOR THE MAYOR OF LONDON (GLA and TfL)

Miss Morag Ellis of Counsel	Instructed by Howard Carter, Head of Law at the GLA.
She called	
Mr Nick Bond MCIT Beng(Hons) MSc	Principal Transport Consultant, Savell Bird & Axon.
Mr William Steadman BSc MSc	Senior Planning Officer, TfL.
Mr Colin Wilson BSc(Hons) MA MRTPI IHBC	Senior Strategic Planning Officer for the GLA.

[A] 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.

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 Gifty 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) BPl 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 (retd)	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.

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

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 leter 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, 96th 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 Bulleting 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

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 of27/5/04 re. School CPO authorisation
CD221B	RBKC letter in response to Mayor's consultation on CD192

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)

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 $L_{Aeq,\ 16\ hour}$ between 0700 and 2300 hours and 30dB $L_{Aeq\ 8\ hour}$ 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 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_{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.

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 $L_{Aeq,\ 16\ hour}$ between 0700 and 2300 hours and 30dB $L_{Aeq\ 8\ hour}$ 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 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.

THIS IS A CARRIER SHEET. The EDM Group,Britain's leading document ,management company. For more information call 01902 459 907 or visit www.theedmgroup.co.uk
THIS IS A CARRIER SHEET. The EDM Group,Britain's leading document ,management company. For more information call 01902 459 907 or visit www.theedmgroup.co.uk
THIS IS A CARRIER SHEET. The EDM Group,Britain's leading document ,management company. For more information call 01902 459 907 or visit www.theedmgroup.co.uk
THIS IS A CARRIER SHEET. The EDM Group,Britain's leading document ,management company. For more information call 01902 459 907 or visit www.theedmgroup.co.uk
THIS IS A CARRIER SHEET. The EDM Group,Britain's leading document ,management company. For more information call 01902 459 907 or visit www.theedmgroup.co.uk
THIS IS A CARRIER SHEET. The EDM Group,Britain's leading document ,management company. For more information call 01902 459 907 or visit www.theedmgroup.co.uk
THIS IS A CARRIER ading document ,management company. For ww.theedmgroup.co.uk
THIS IS A CARRIE ent ,management company. For mgroup.co.uk
THIS IS A CARRIE agement company. For up.co.uk
THIS IS A CARRIE agement company. For up.co.uk
THIS IS A CARRIE agement company. For up.co.uk
THIS IS A CARRIE agement company. For more information call 01902 459 907 or visit www.theedmgroup.co.uk
THIS IS A CARRIER SHEET. The EDM Group,Britain's leading document ,management company. For more information call 01902 459 907 or visit www.theedmgroup.co.uk
THIS IS A CARRIER SHEET. The EDM Group,Britain's leading document ,management company. For more information call 01902 459 907 or visit www.theedmgroup.co.uk
THIS IS A CARRIER SHEET. The EDM Group,Britain's leading document ,management company. For more information call 01902 459 907 or visit www.theedmgroup.co.uk
THIS IS A CARRIER SHEET. The EDM Group,Britain's leading document ,management company. For more information call 01902 459 907 or visit www.theedmgroup.co.uk
THIS IS A CARRIER SHEET. The EDM Group,Britain's leading document ,management company. For more information call 01902 459 907 or visit www.theedmgroup.co.uk
THIS IS A CARRIER SHEET. The EDM Group,Britain's leading document ,management company. For more information call 01902 459 907 or visit www.theedmgroup.co.uk
THIS IS A CARRIER SHEET. The EDM Group,Britain's leading document ,management company. For more information call 01902 459 907 or visit www.theedmgroup.co.uk

PP/02/01325

A/TF/A/1



Town and Country Planning Act 1990, Section 78

Proof of Evidence
Appendix A

Terry Farrell & Partners

on behalf of

Circadian Limited

Land at Lots Road Power Station
&
Thames Avenue, London SW10

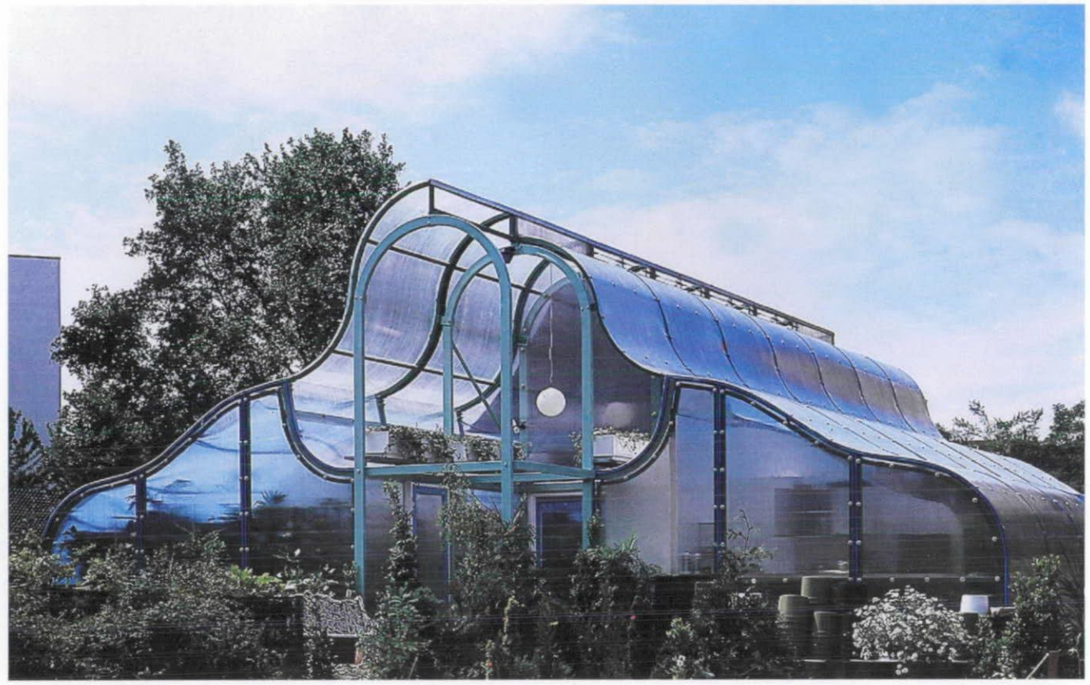
London Borough of Hammersmith & Fulham
&
Royal Borough of Kensington and Chelsea

Planning Inspectorate Reference:
APP/K5600/A/04/1146268
APP/H5390/V/04/1148781

01 January 2005

TERRY
FARRELL
&
PARTNERS

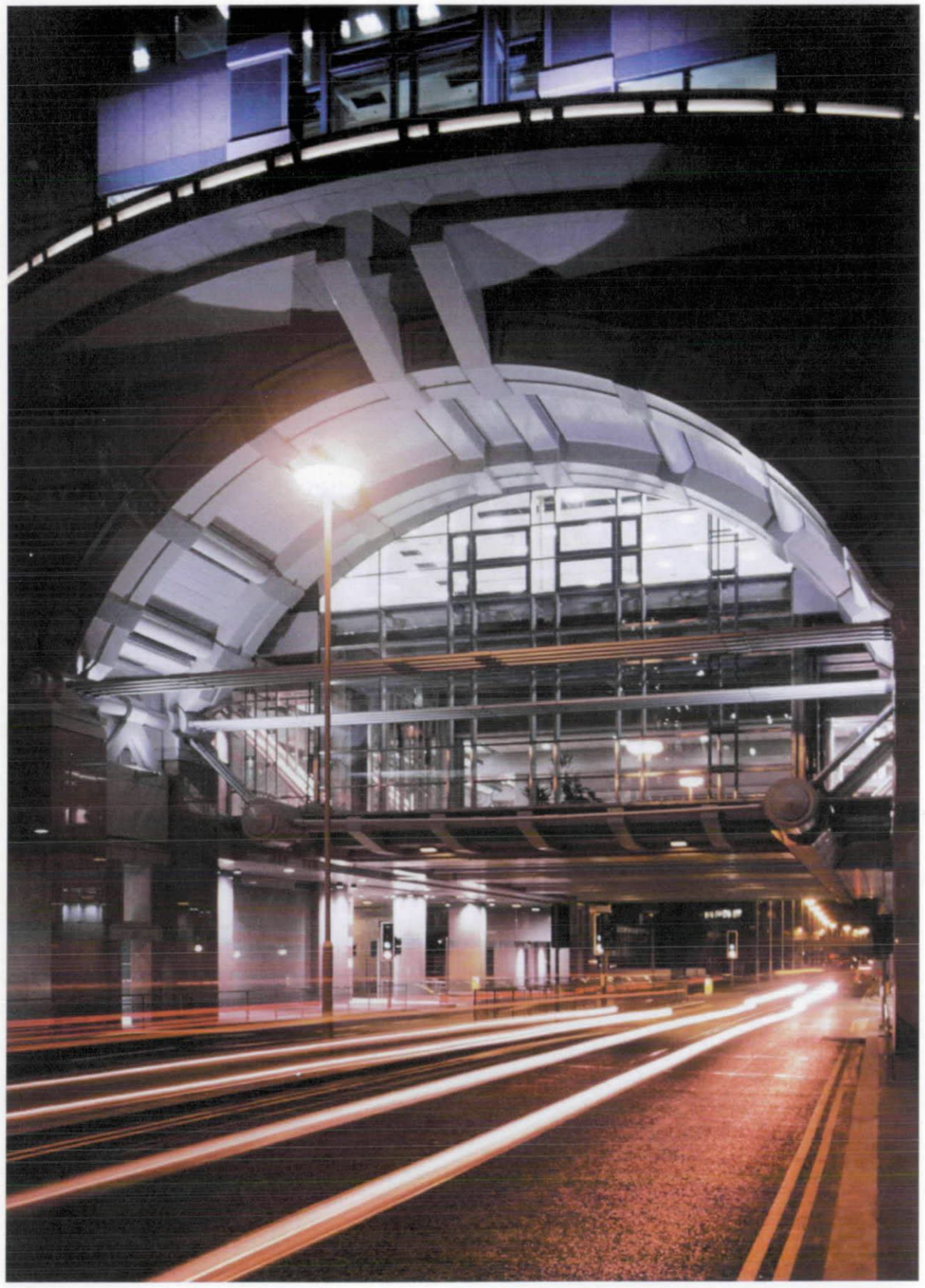




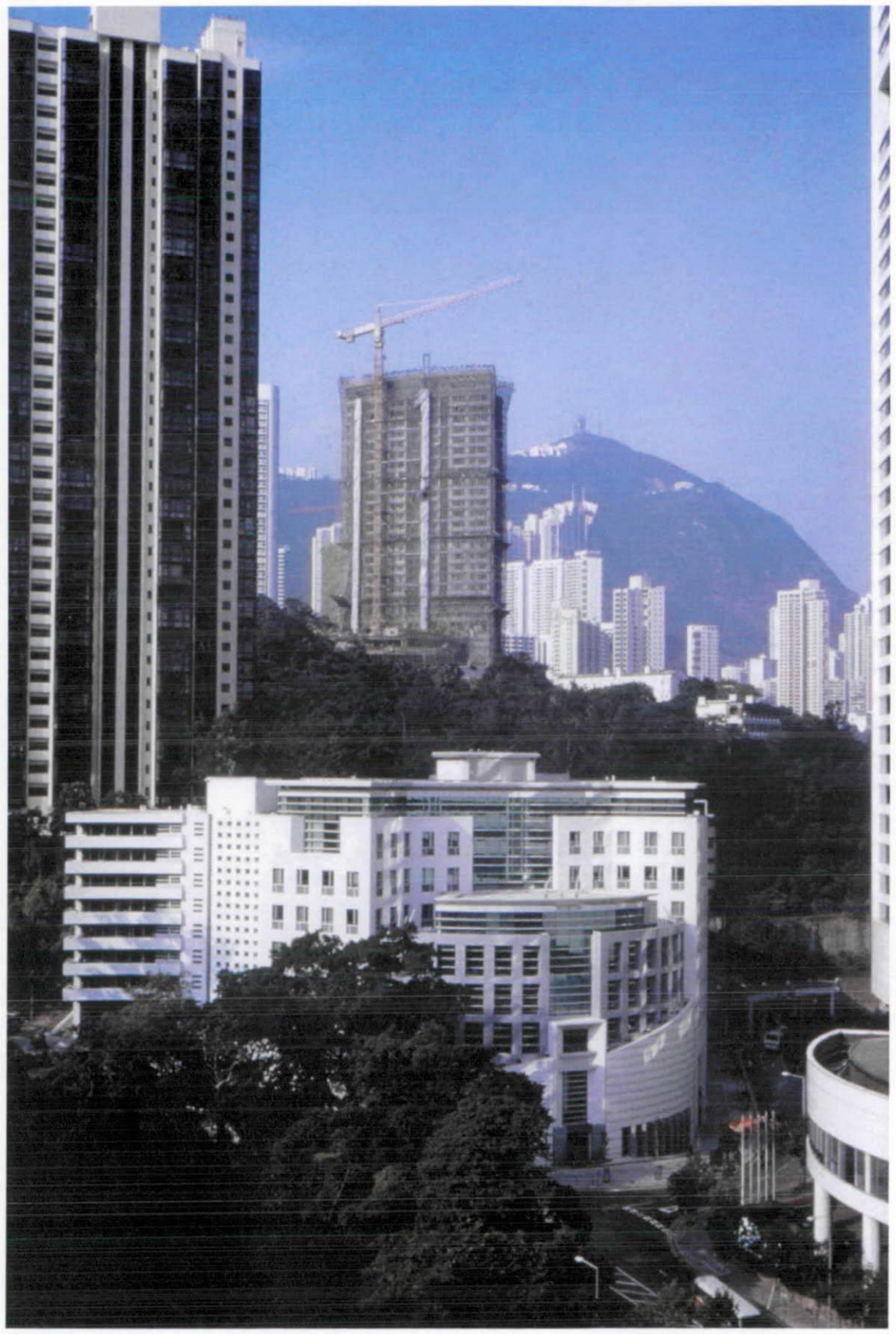


cross reference from **section 1.2.2**



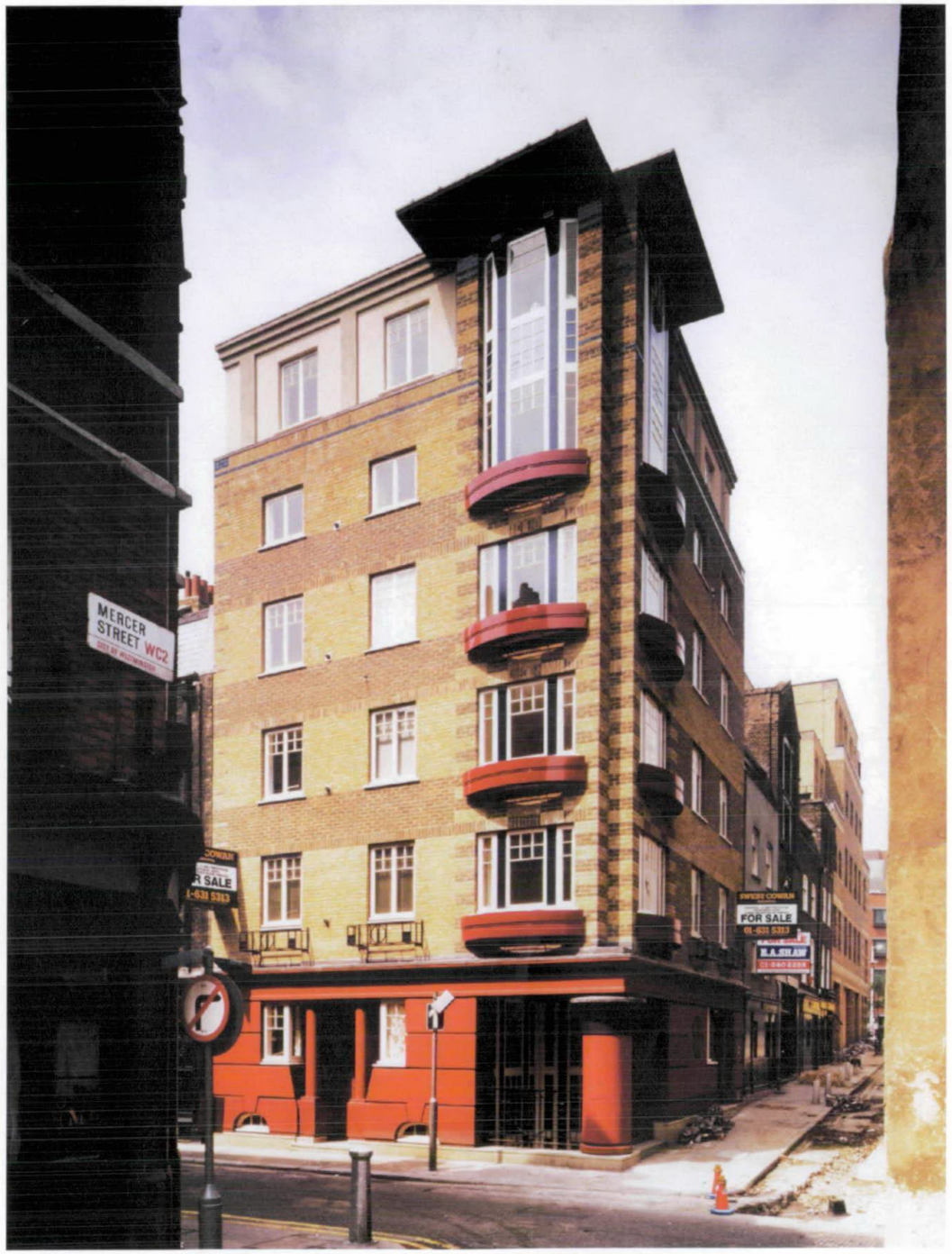


cross reference from **section 1.2.2**





cross reference from **section 1.2.3**

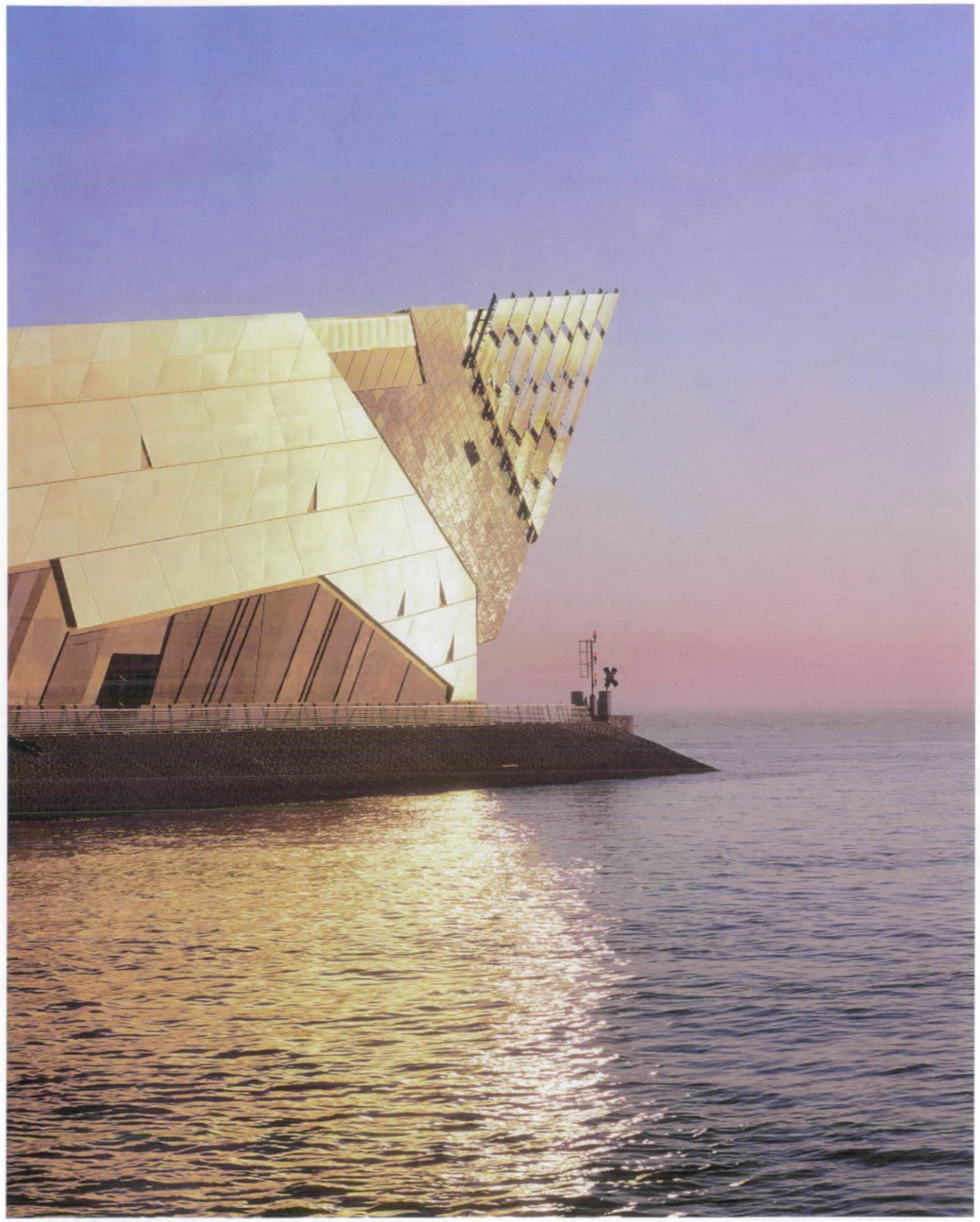


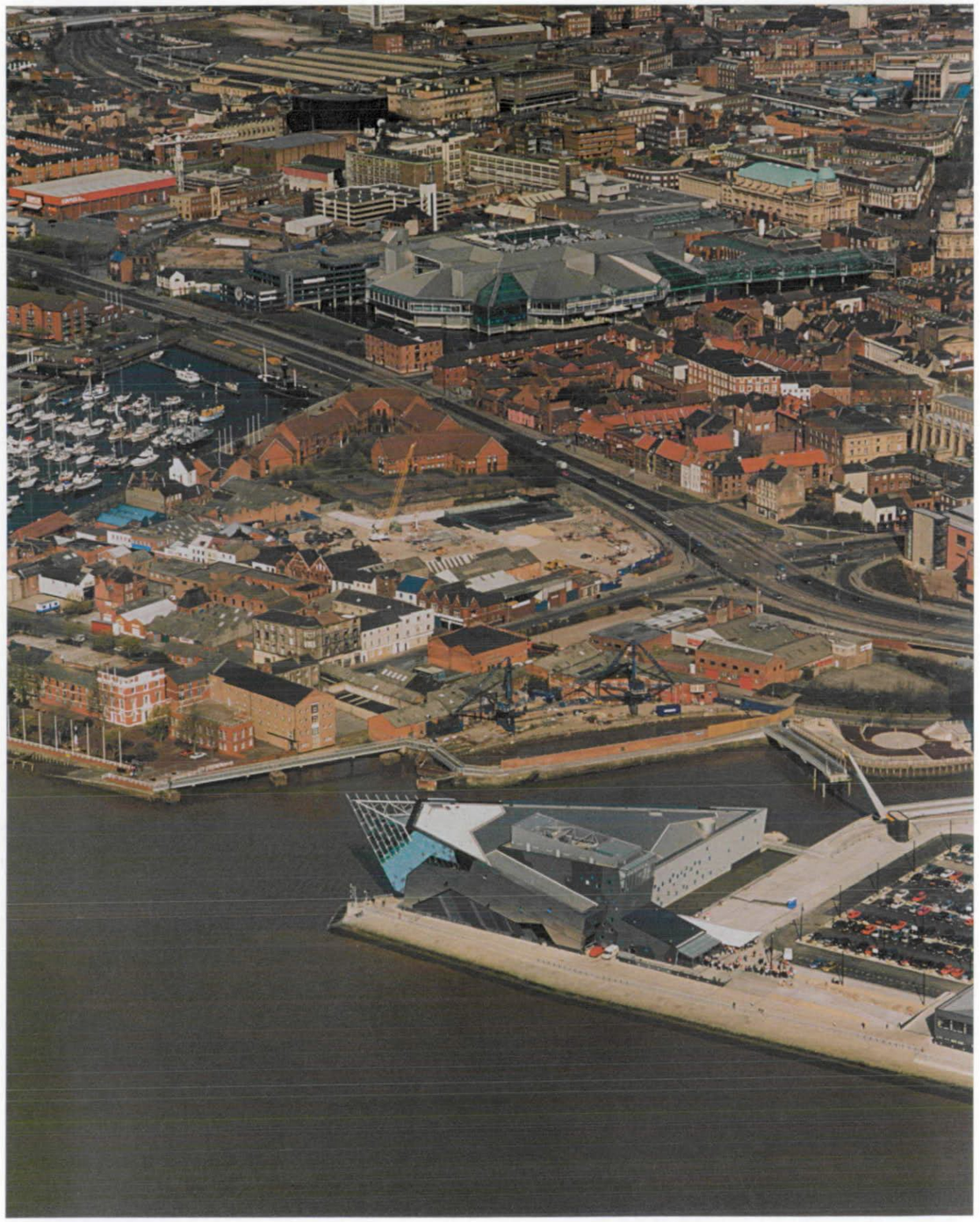
cross reference from **sections 1.2.3 & 1.2.7**



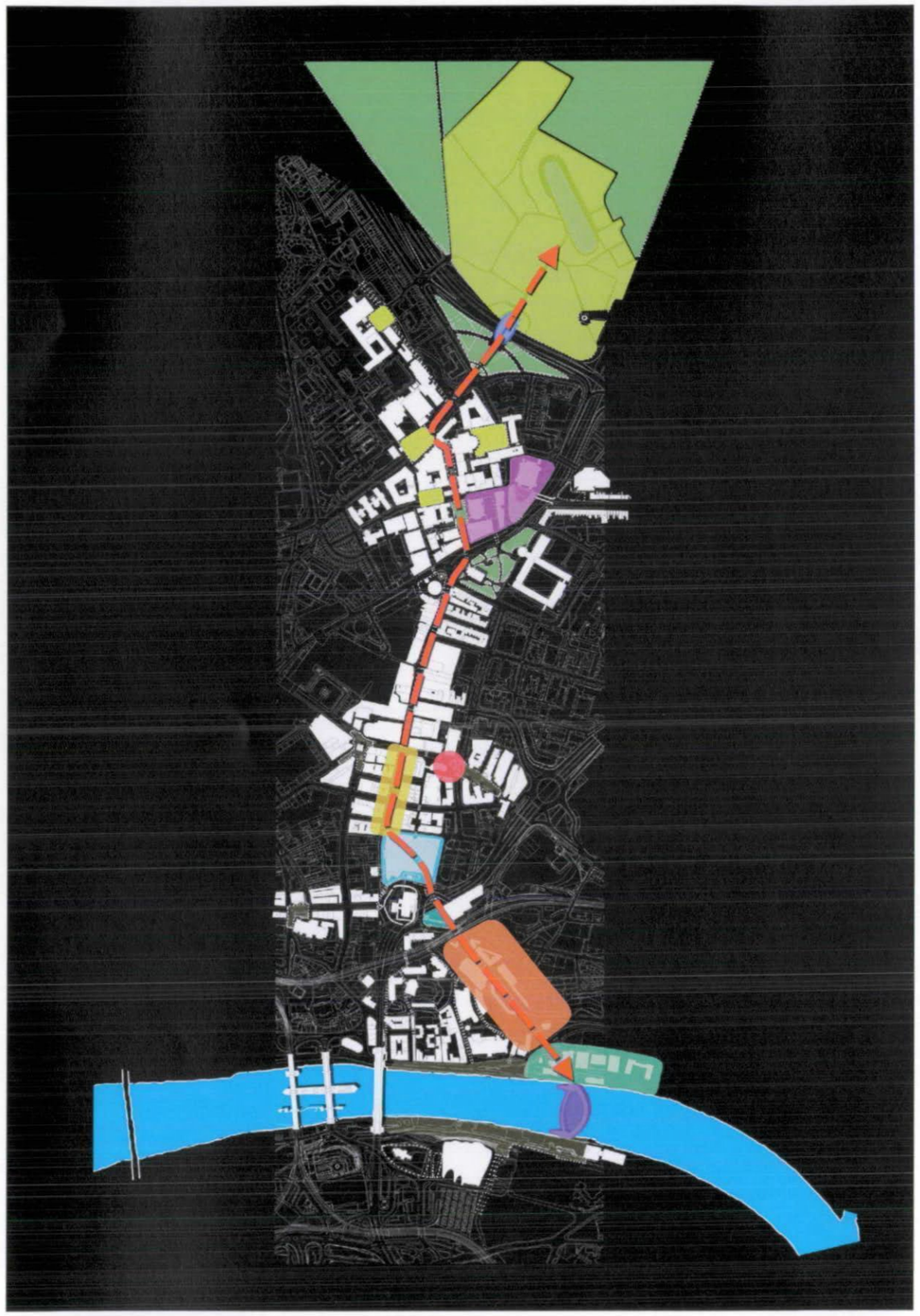
cross reference from **sections 1.2.3 & 1.2.5**

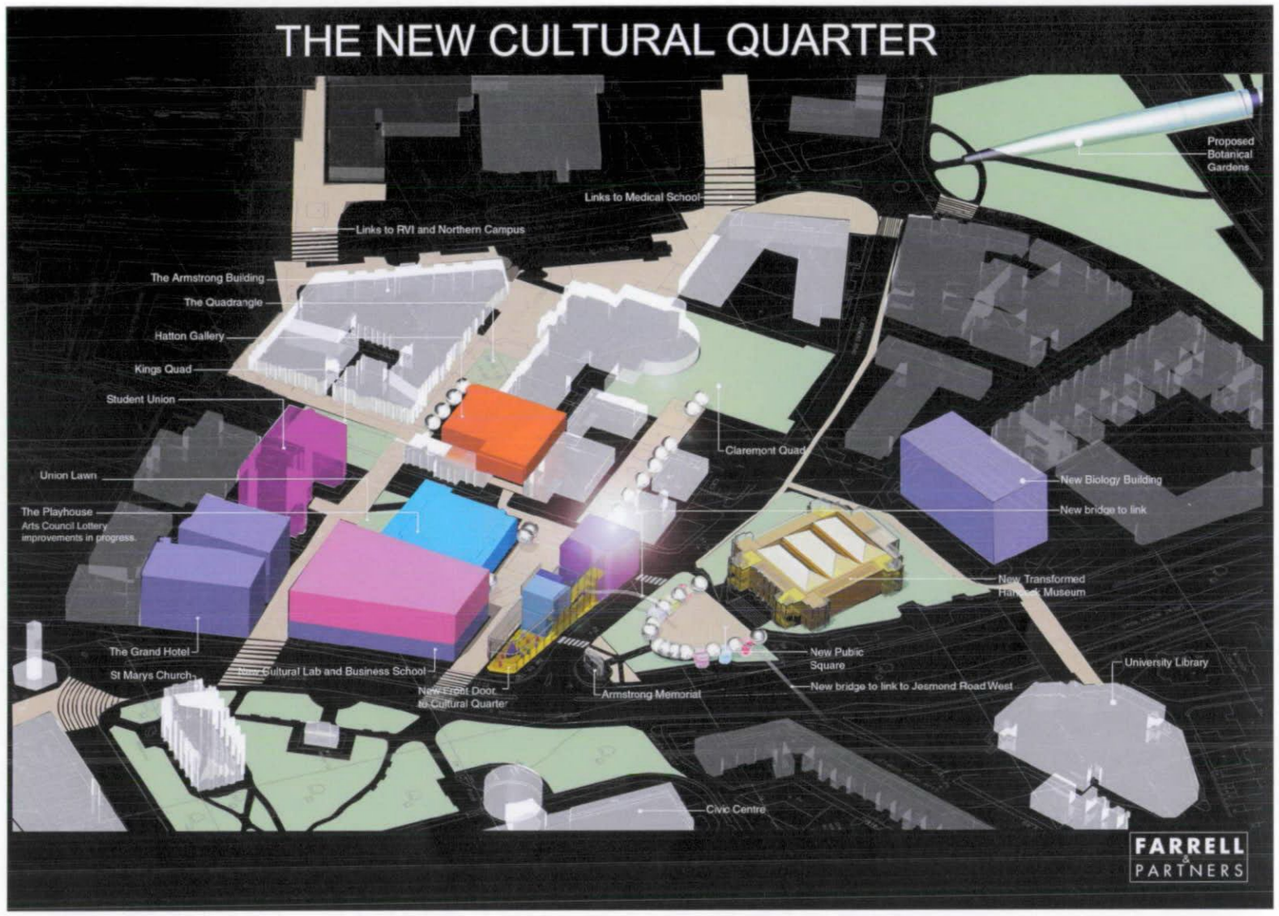
The Deep, Hull 1.2.5



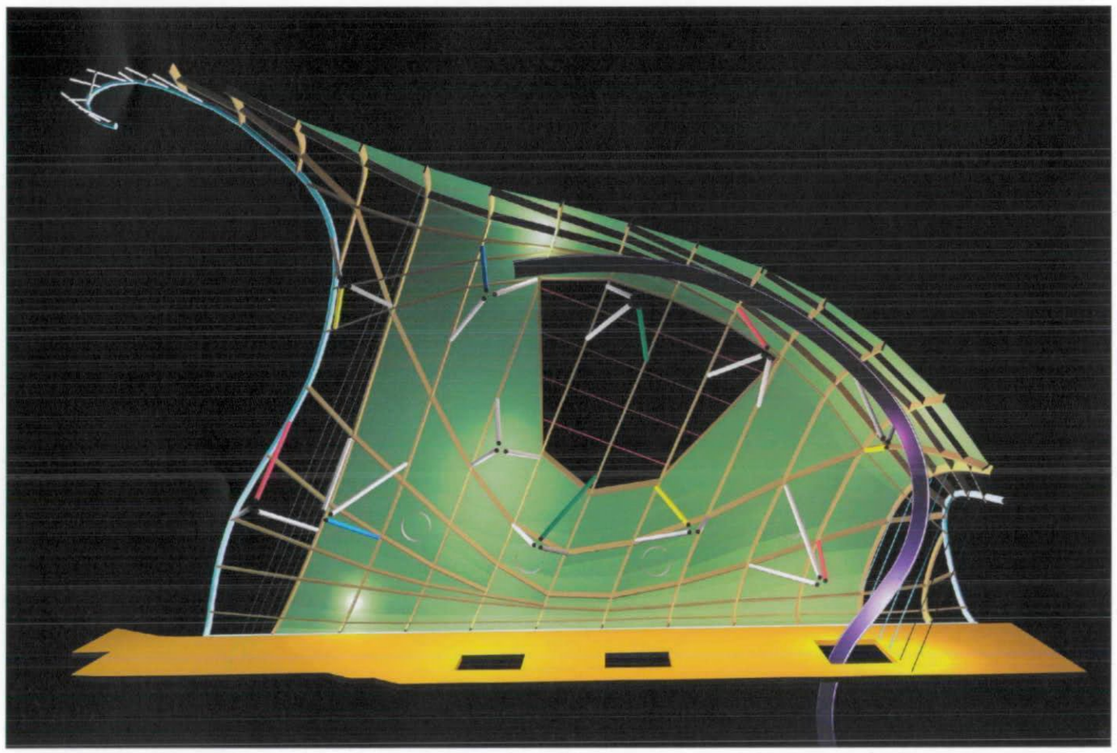


cross reference from **sections 1.2.3 & 1.2.5**





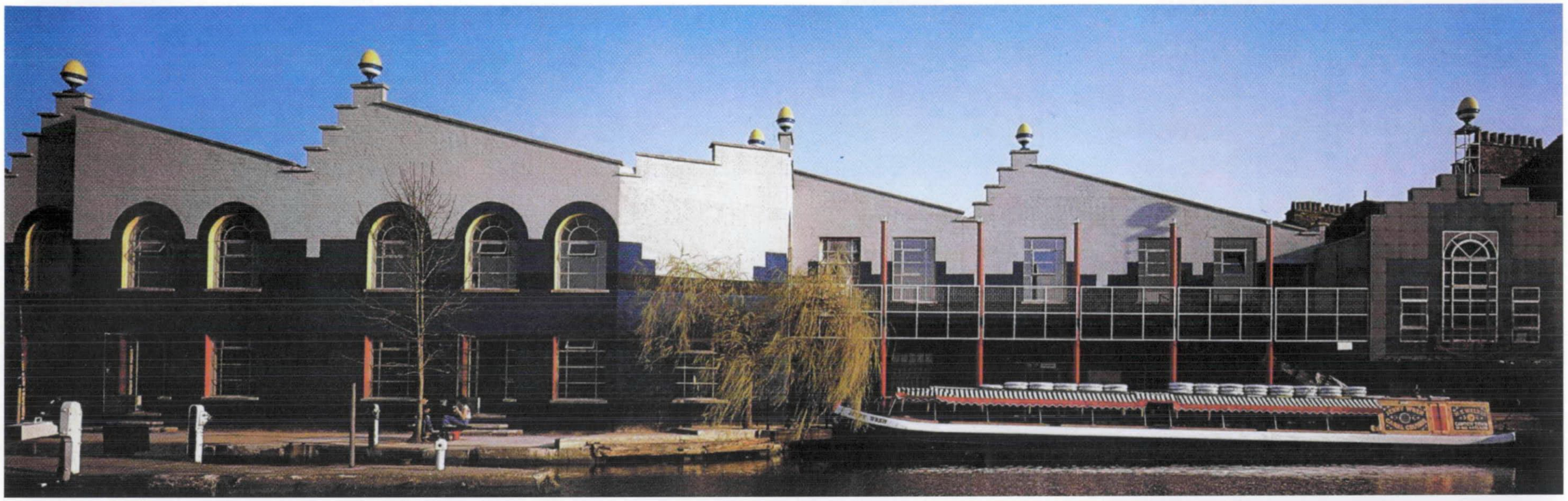
cross reference from **section 1.2.6**





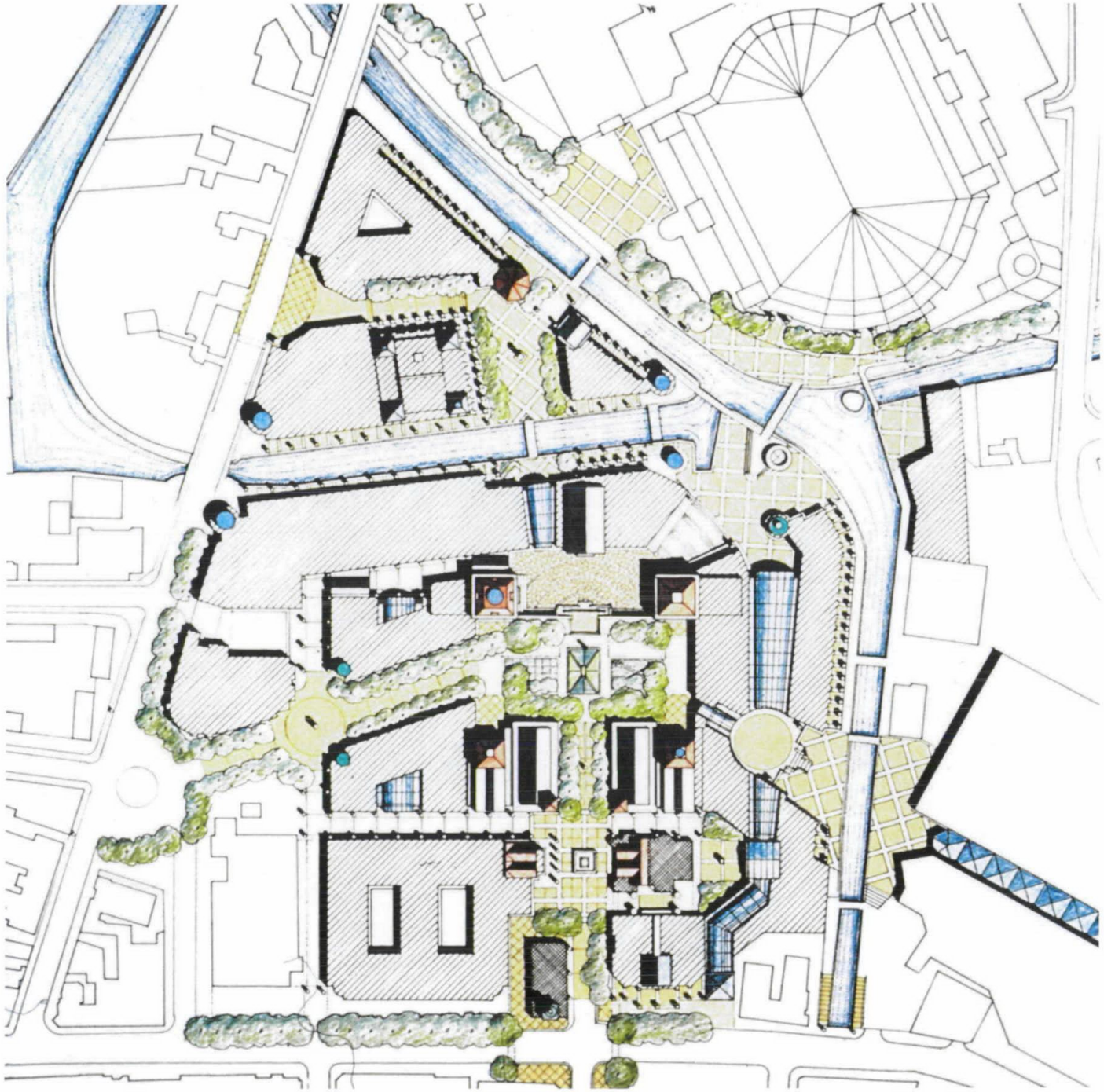
cross reference from **section 1.2.6**

T.V.AM Breakfast Television Studios 1.2.7



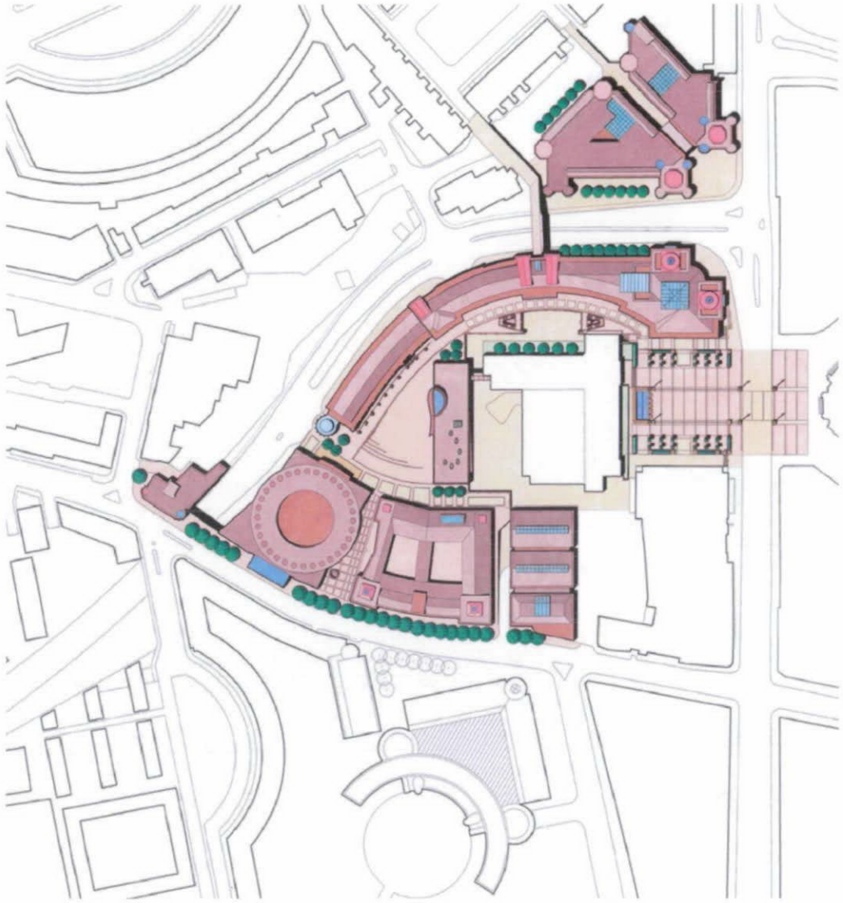


cross reference from **section 1.2.7-1**



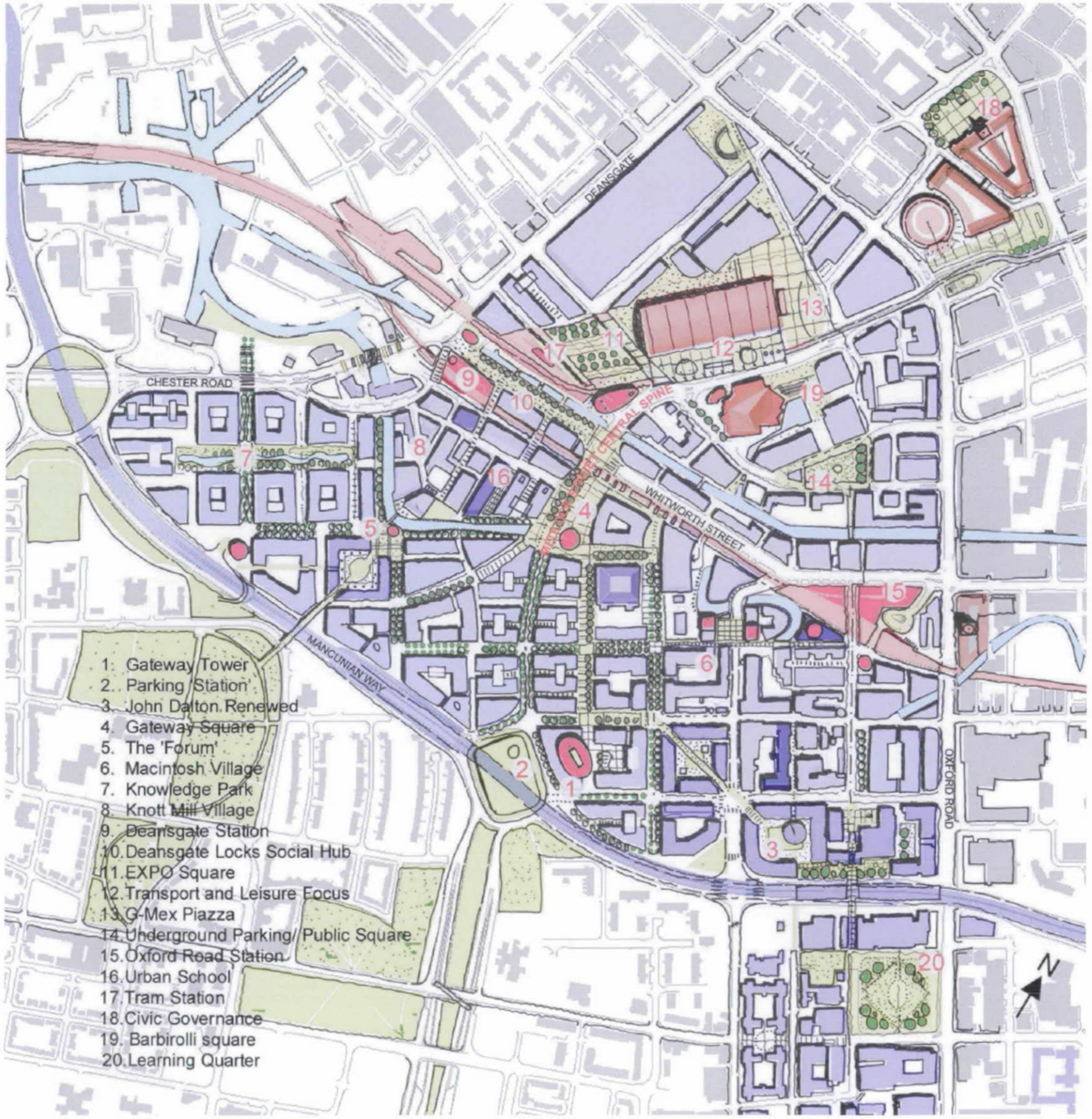


cross reference from **section 1.2.7-2**





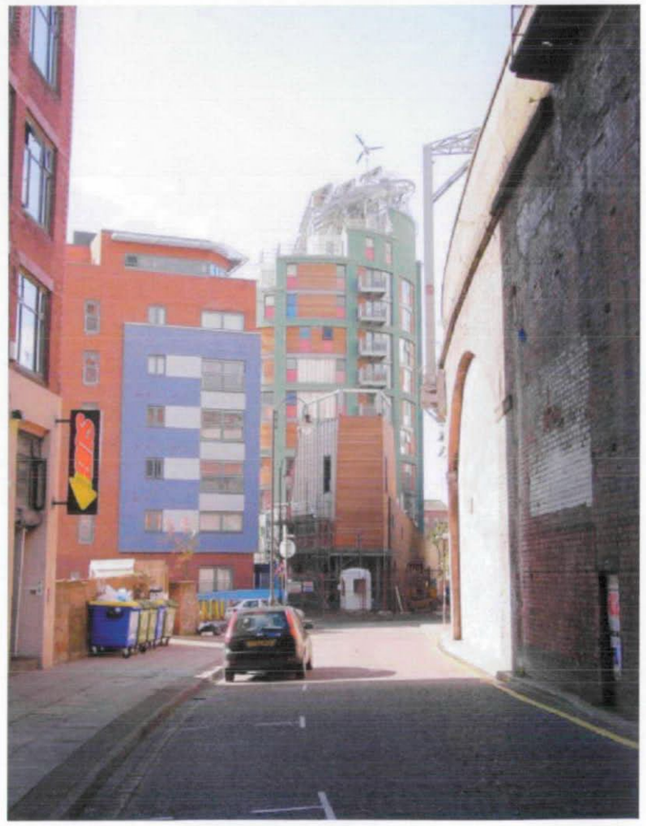
cross reference from **section 1.2.7-3**





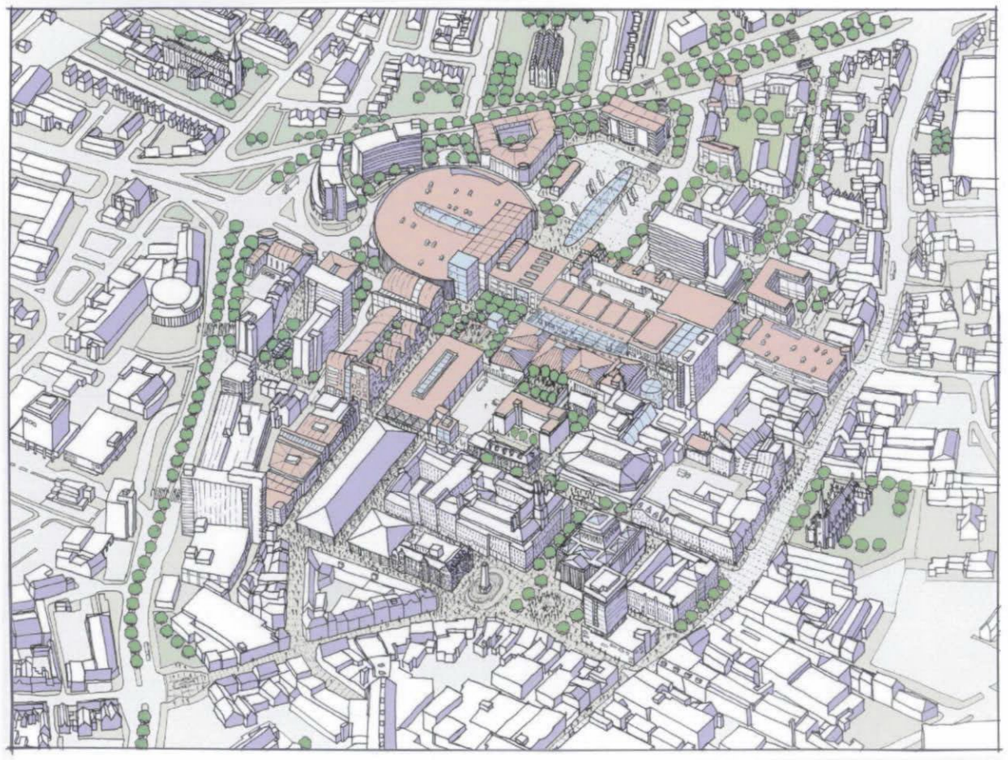
cross reference from **section 1.2.7-4**

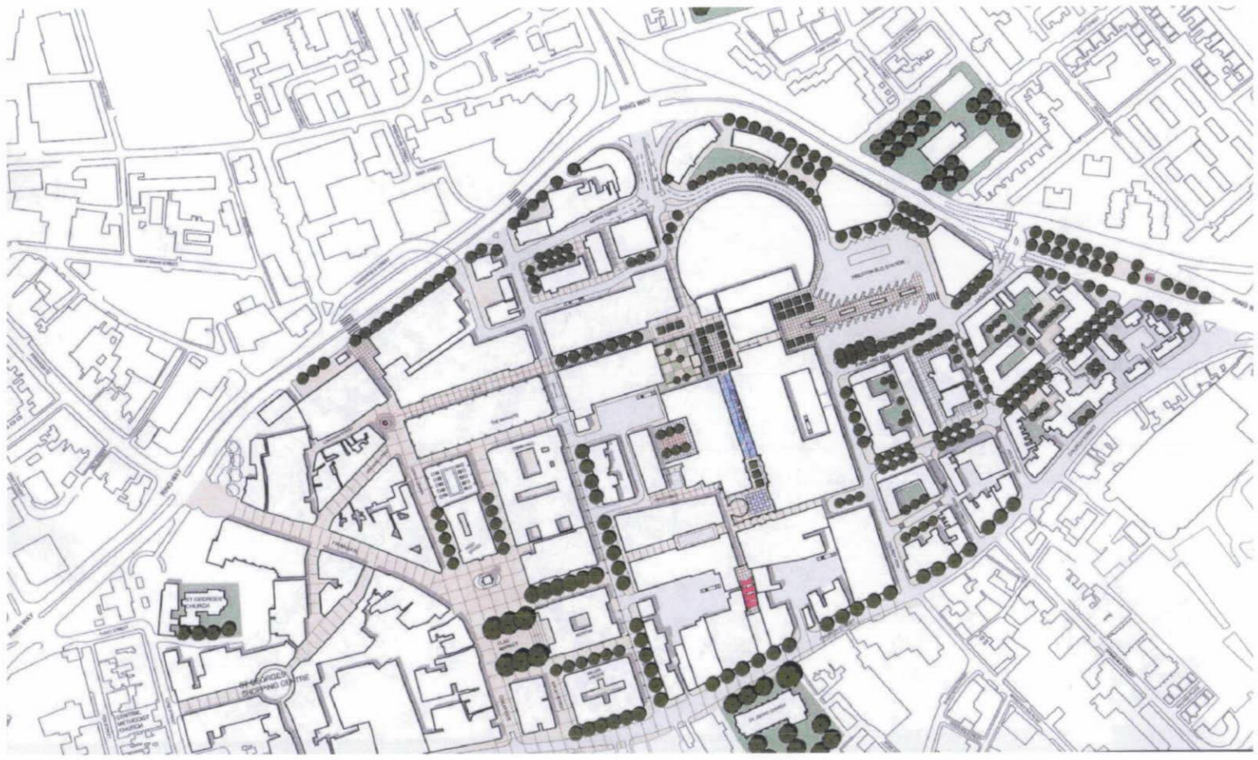






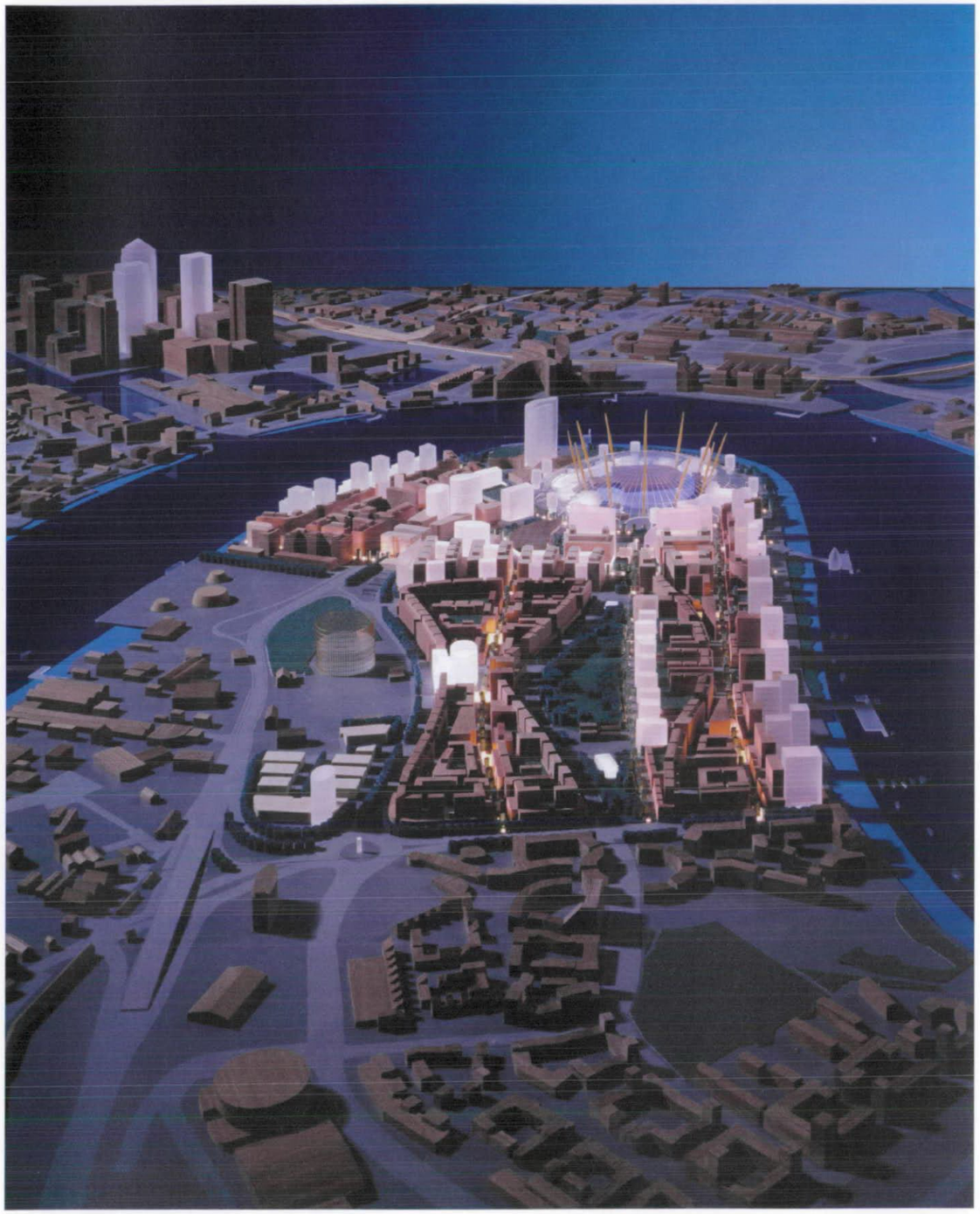
cross reference from **section 1.2.7-5**





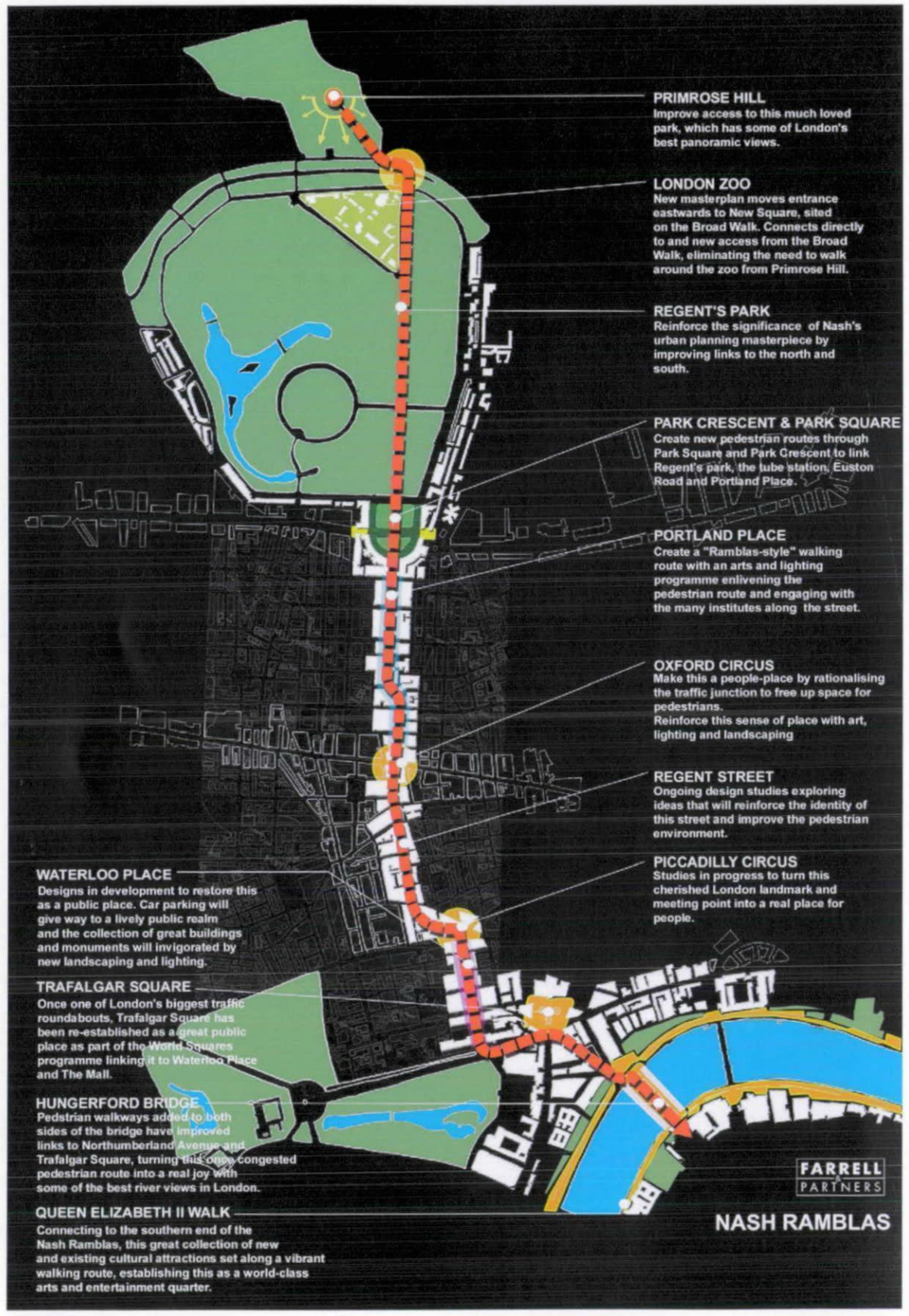
cross reference from **section 1.2.7-6**



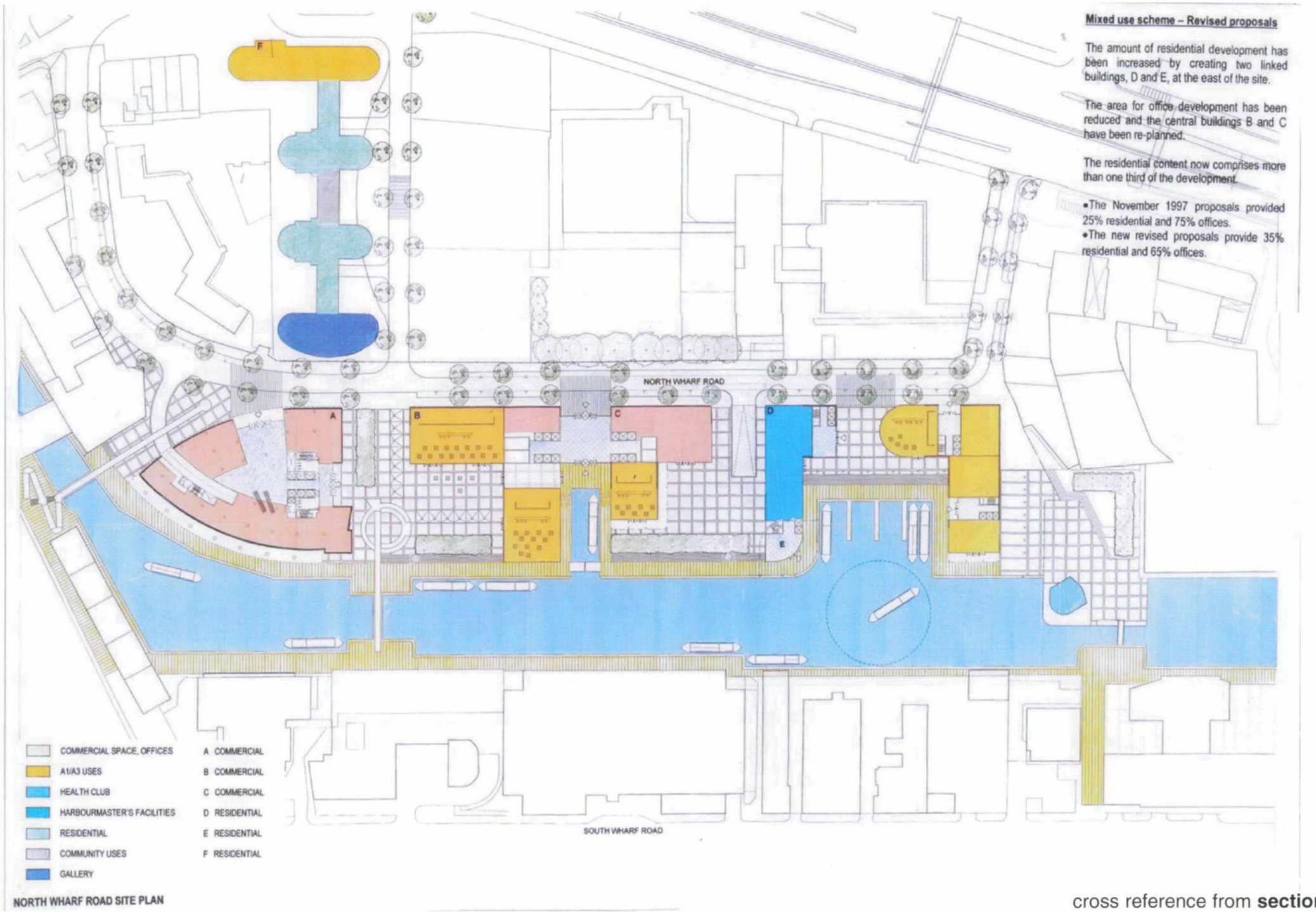


cross reference from **section 1.2.7-7**





cross reference from **section 1.2.7-8**



NORTH WHARF ROAD SITE PLAN

Mixed use scheme – Revised proposals

The amount of residential development has been increased by creating two linked buildings, D and E, at the east of the site.

The area for office development has been reduced and the central buildings B and C have been re-planned.

The residential content now comprises more than one third of the development.

- The November 1997 proposals provided 25% residential and 75% offices.
- The new revised proposals provide 35% residential and 65% offices.

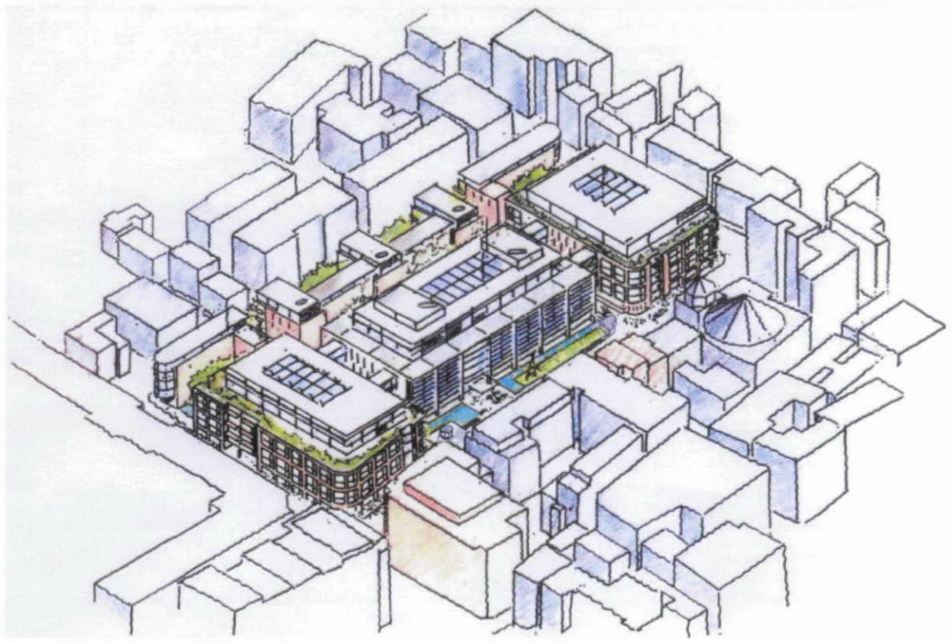
cross reference from **section 1.2.8**





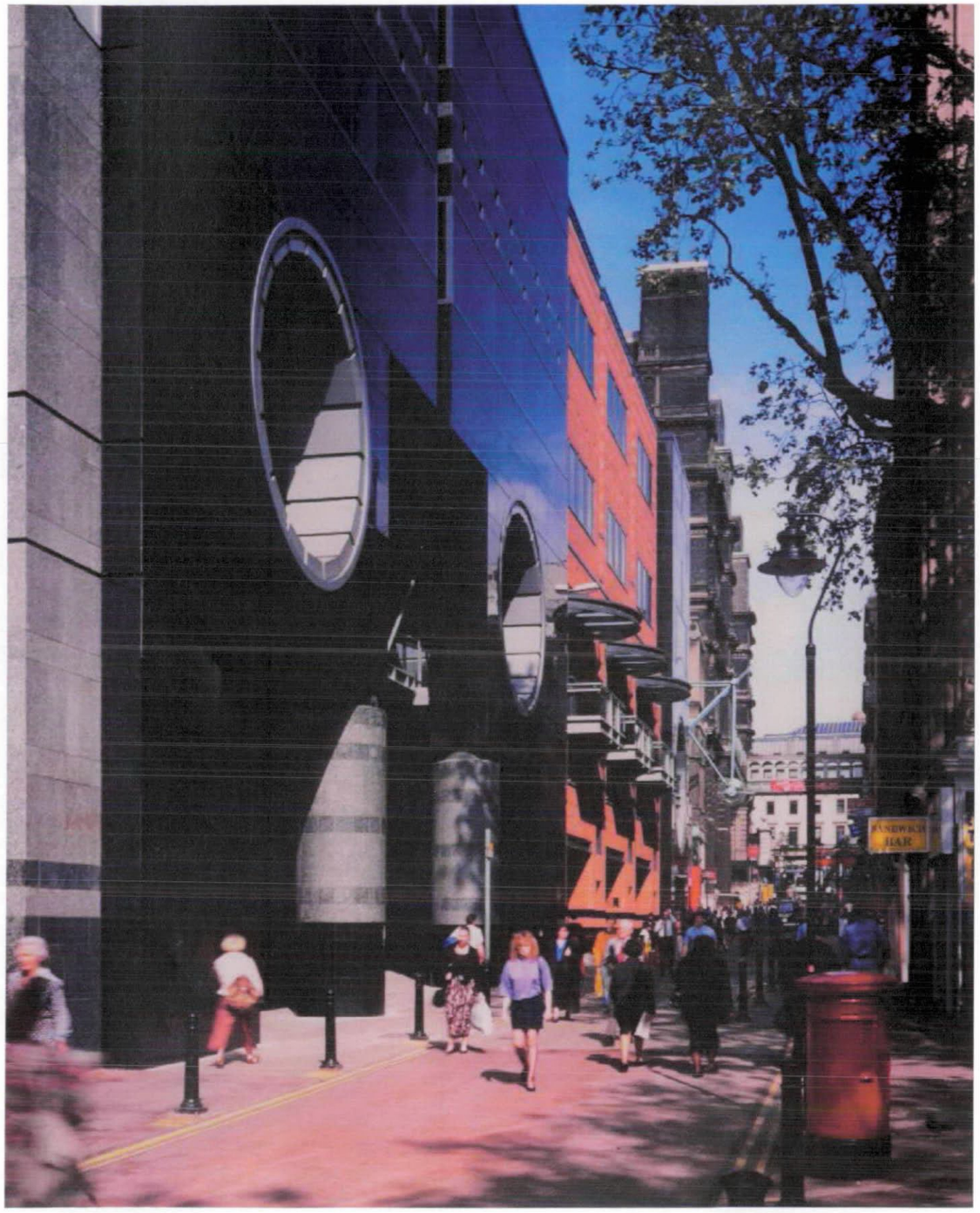
cross reference from **section 1.2.8**







cross reference from **section 1.2.9**





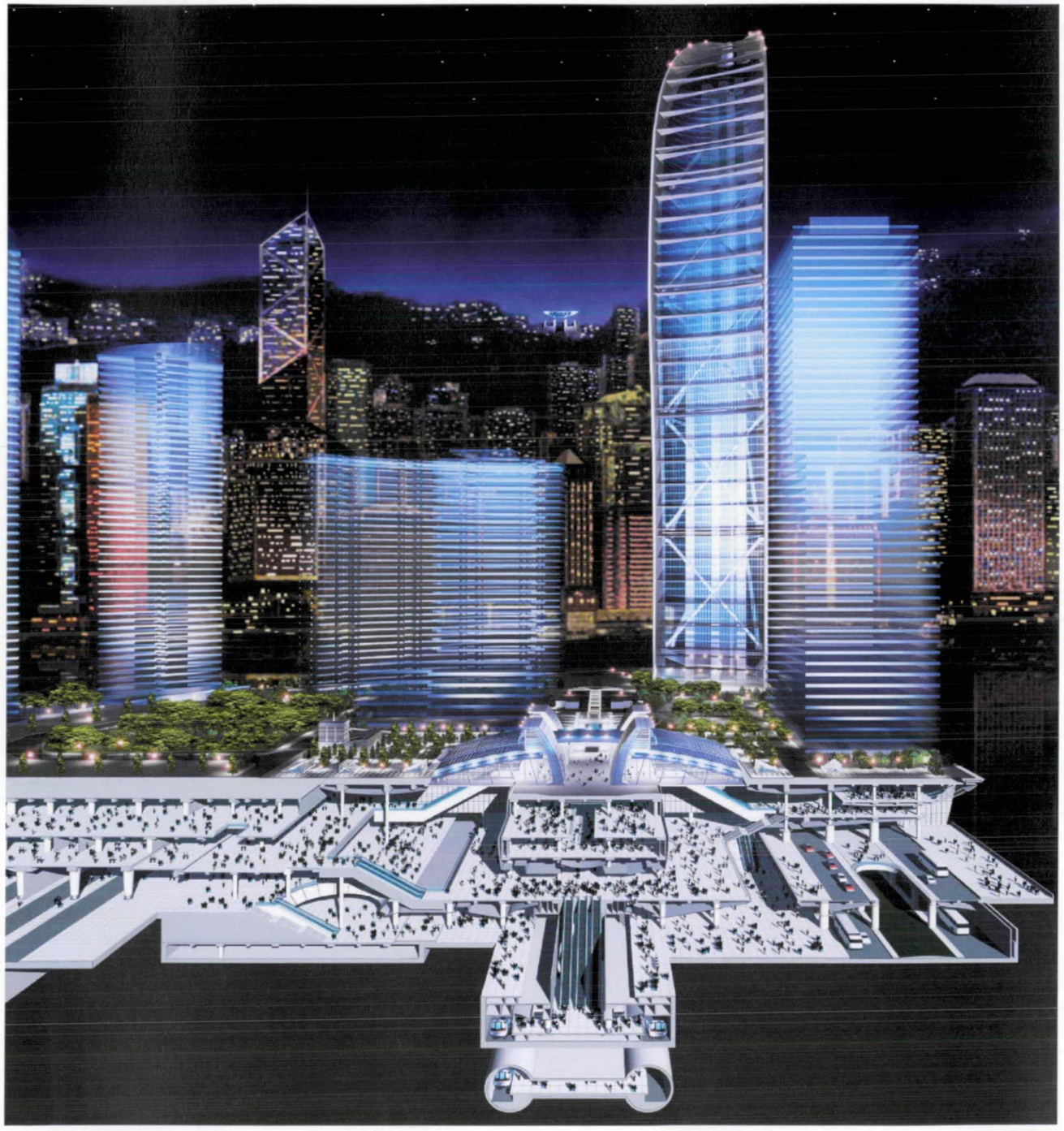
cross reference from **section 1.2.10**

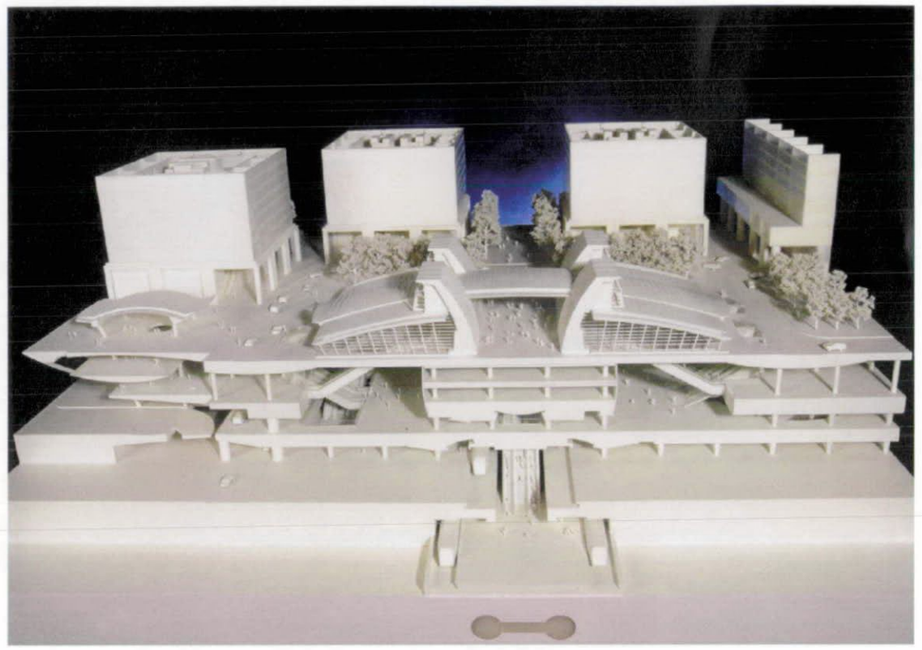
MI6 Headquarters Vauxhall 1.2.10



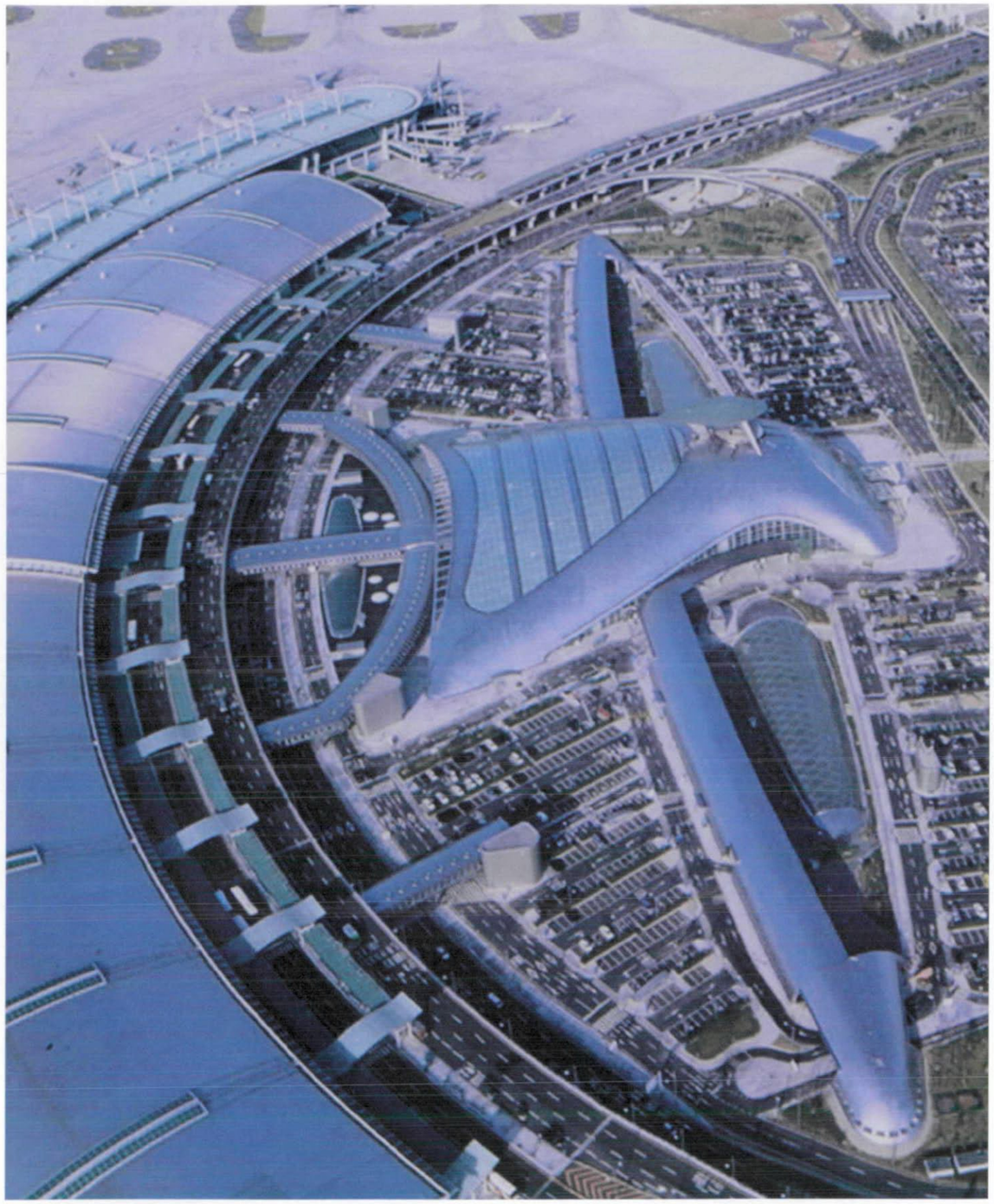


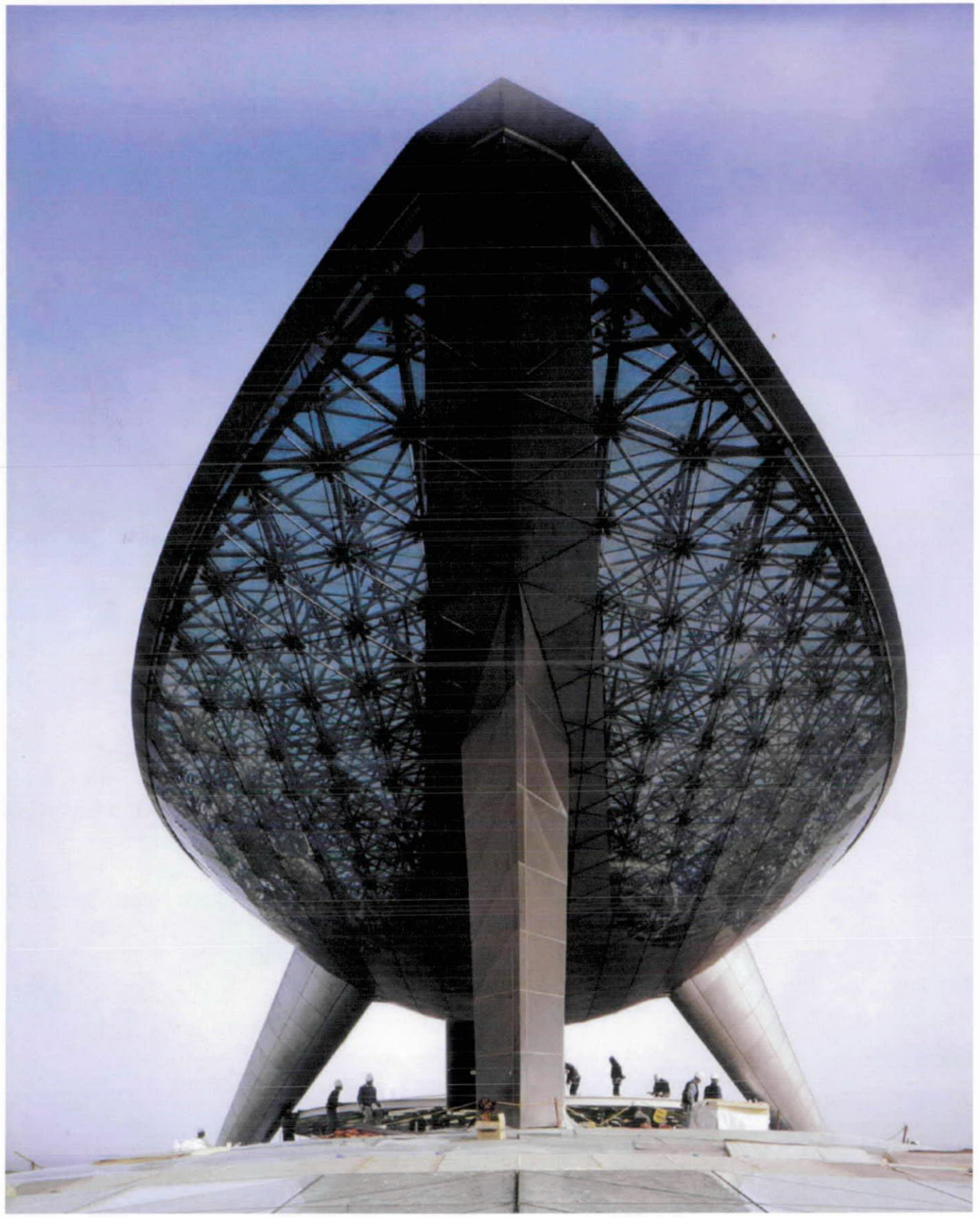
cross reference from **section 1.2.10**





cross reference from **section 1.2.11**





cross reference from **section 1.2.12**





cross reference from **sections 1.2.3, 1.2.12 & 1.3.1**

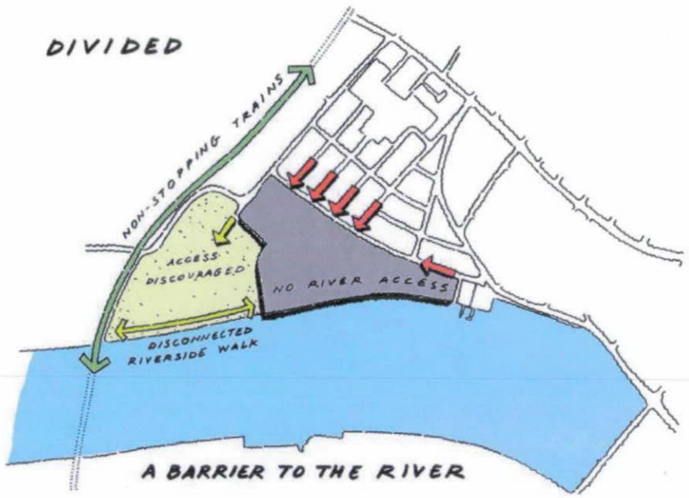


Figure 5.8a Permeability plan view: before

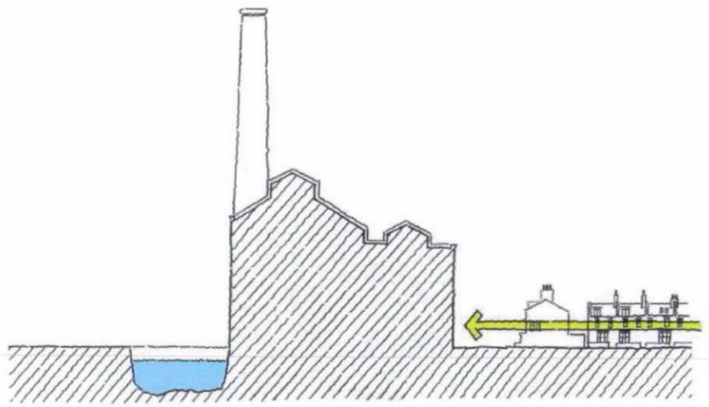


Figure 5.9a Permeability section: before

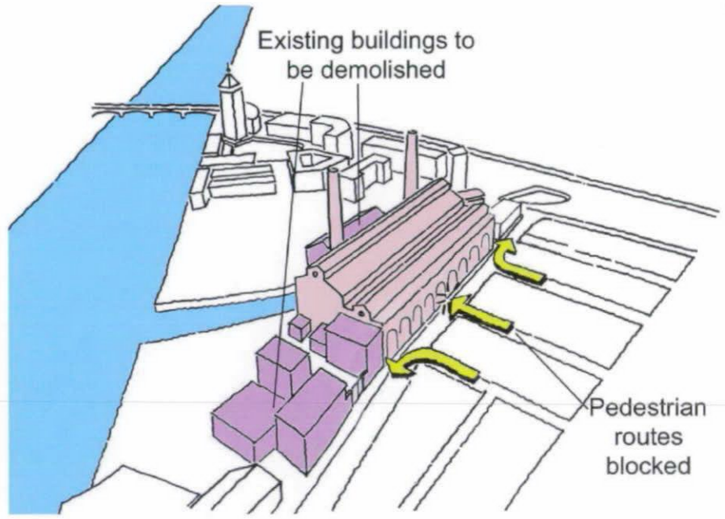


Figure 5.10a Permeability perspective view: before

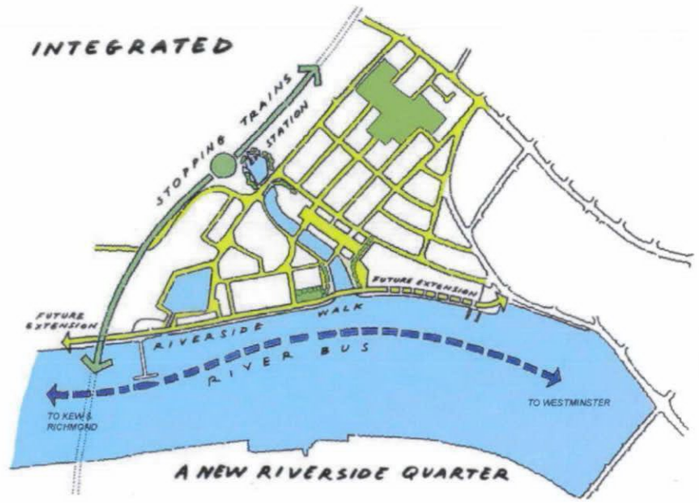


Figure 5.8b Permeability plan view: after

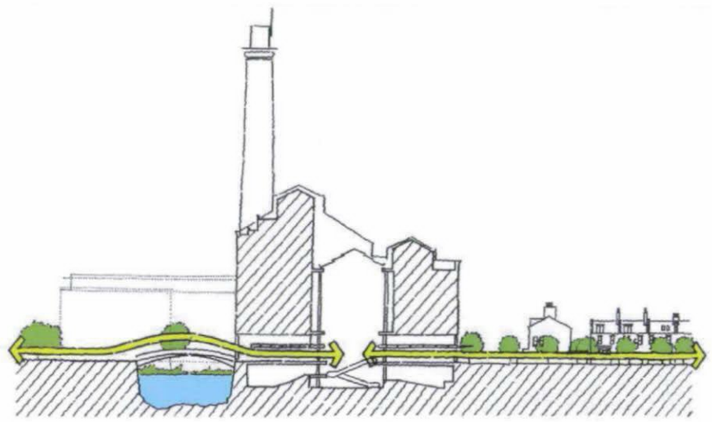


Figure 5.9b Permeability section: after

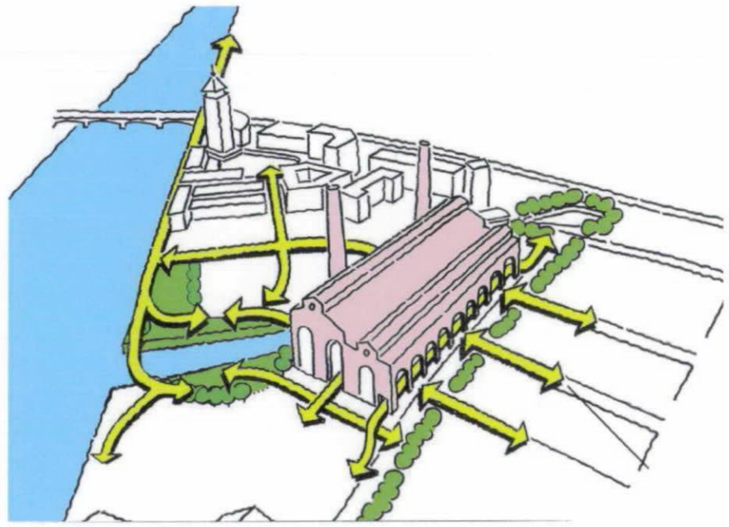
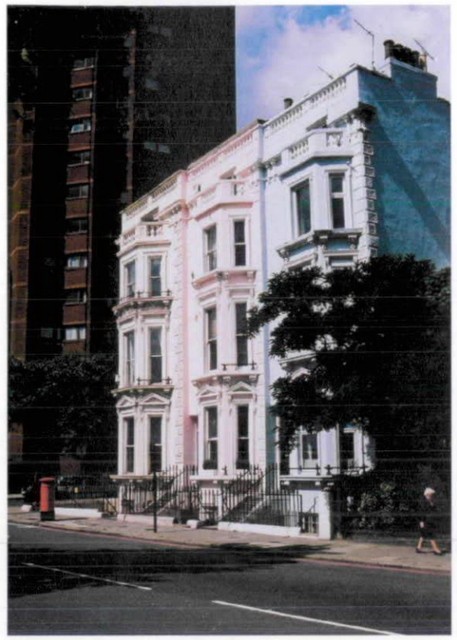


Figure 5.10b Permeability perspective view: after

cross reference from **section 2.2.1**



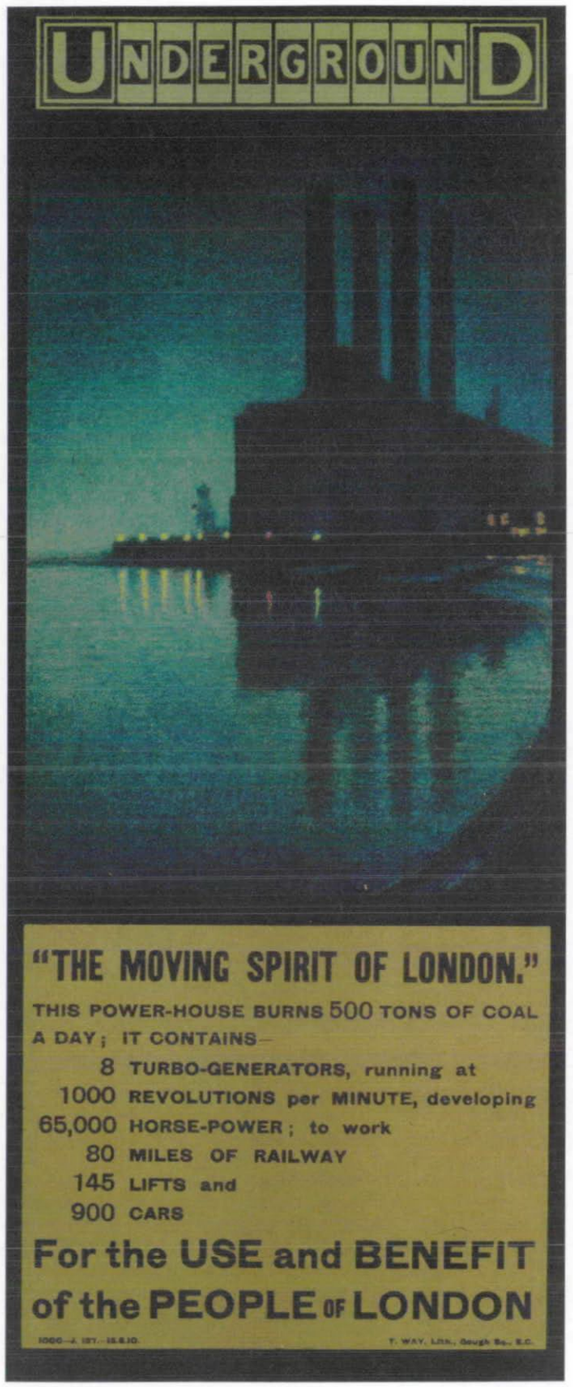


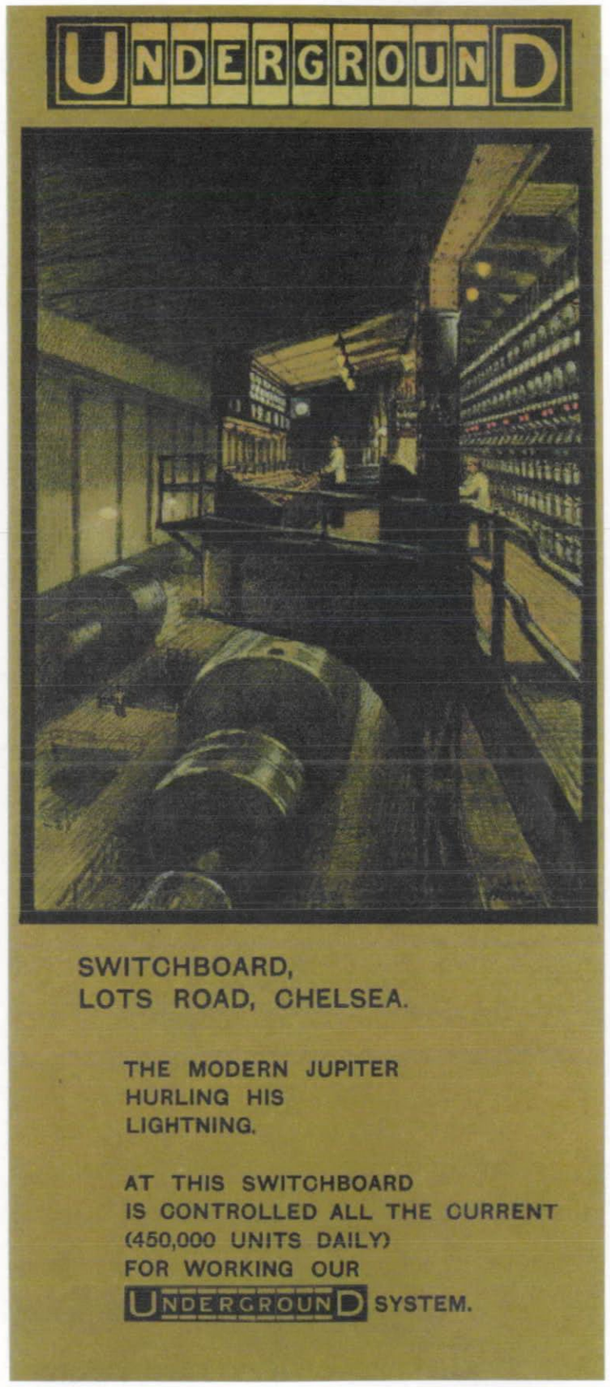
cross reference from **section 2.2.4**

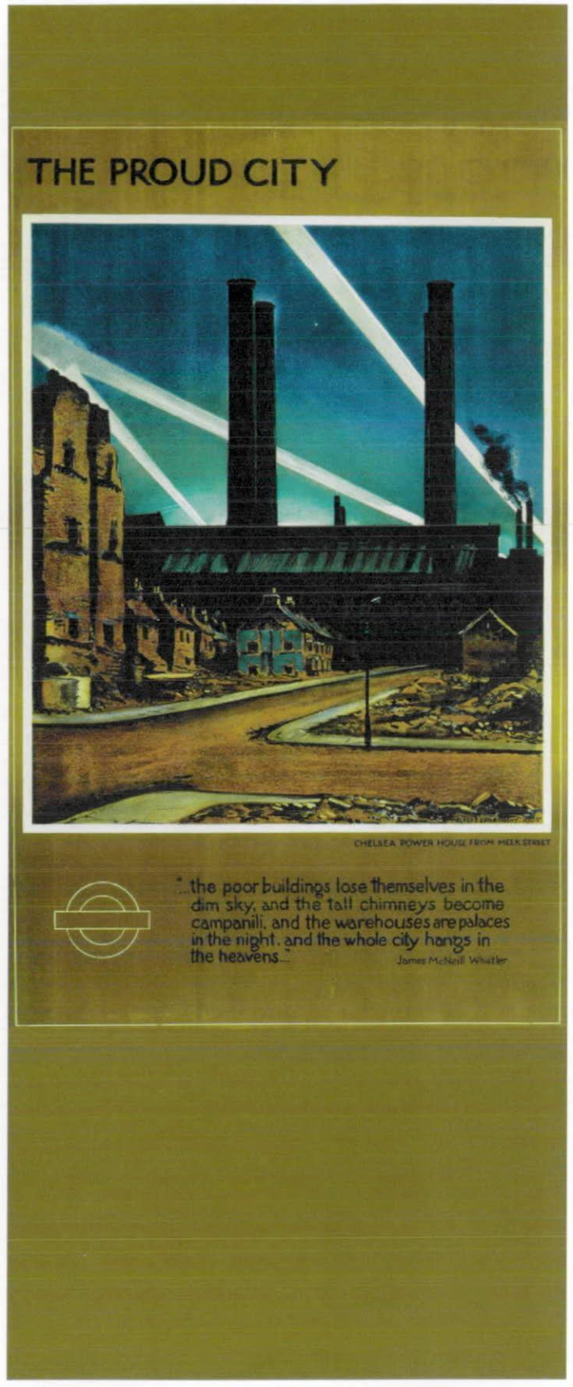
Existing Power Station to Lots Road 2.2.5



cross reference from **sections 2.2.5 & 2.2.10**







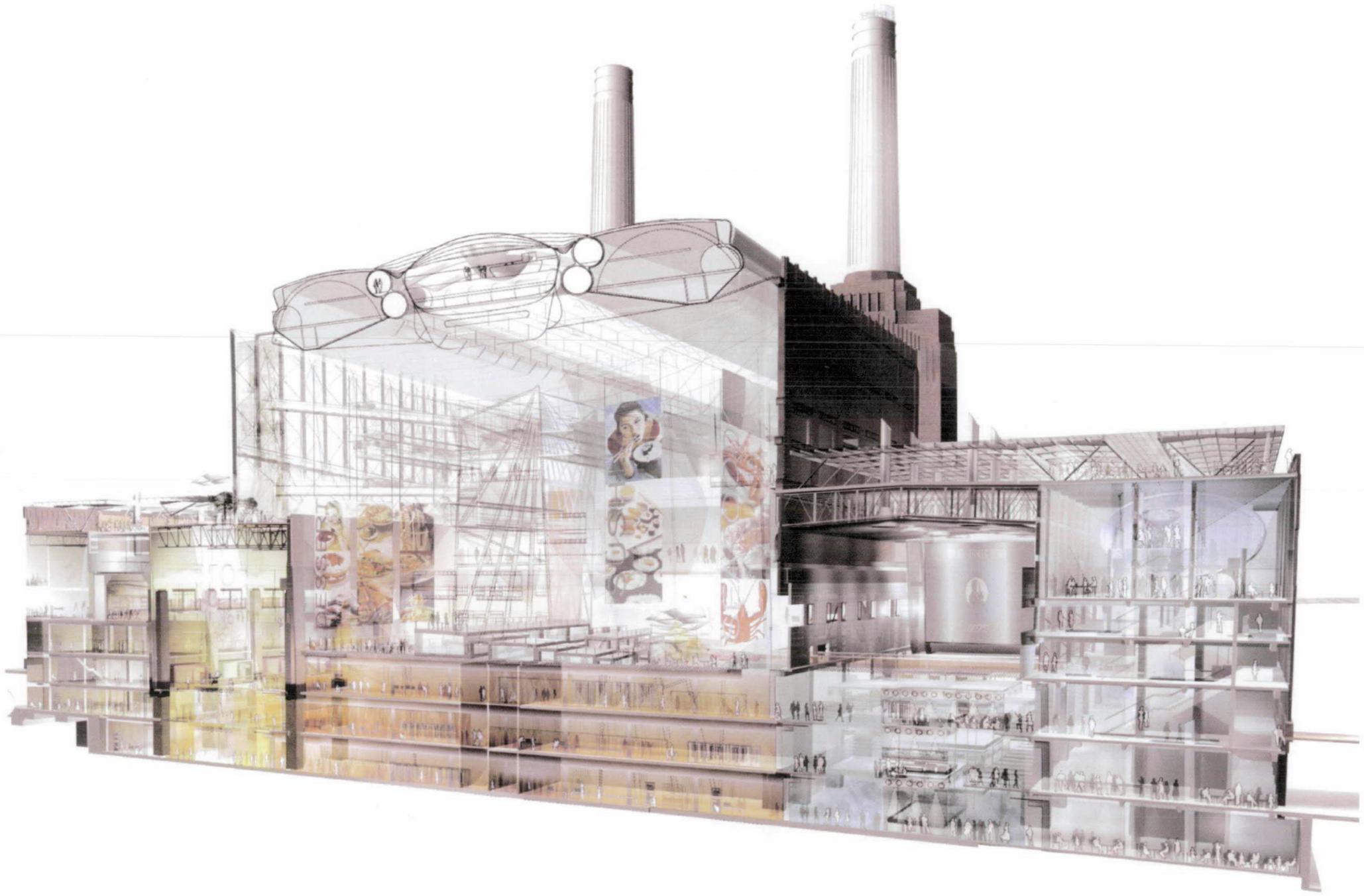
cross reference from **section 2.2.9**

Chelsea Harbour 2.2.11

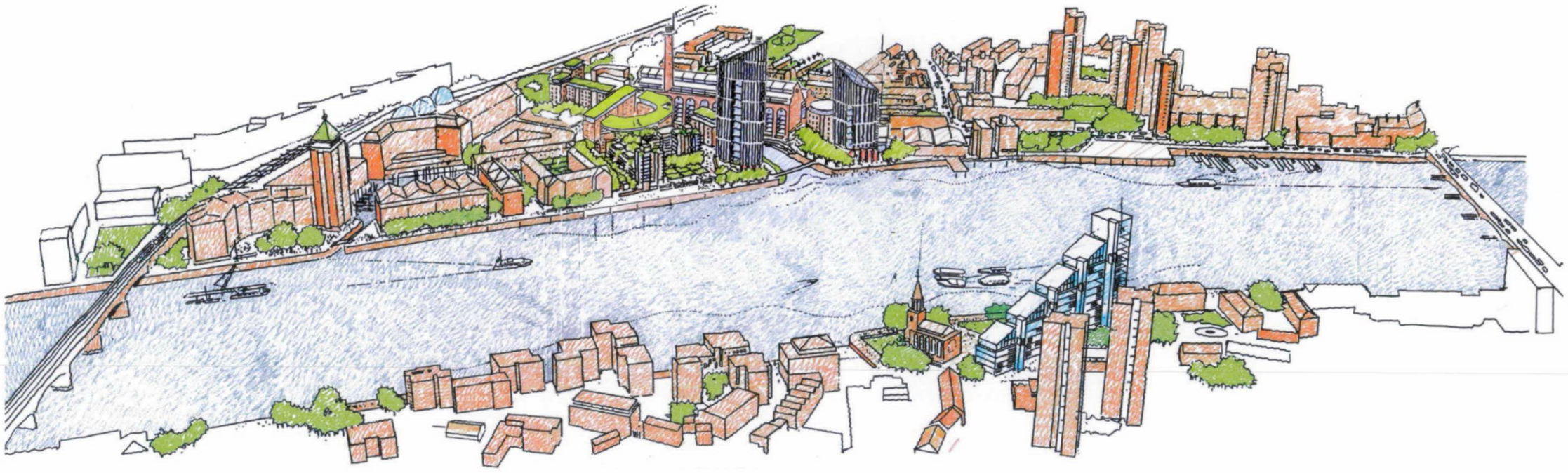


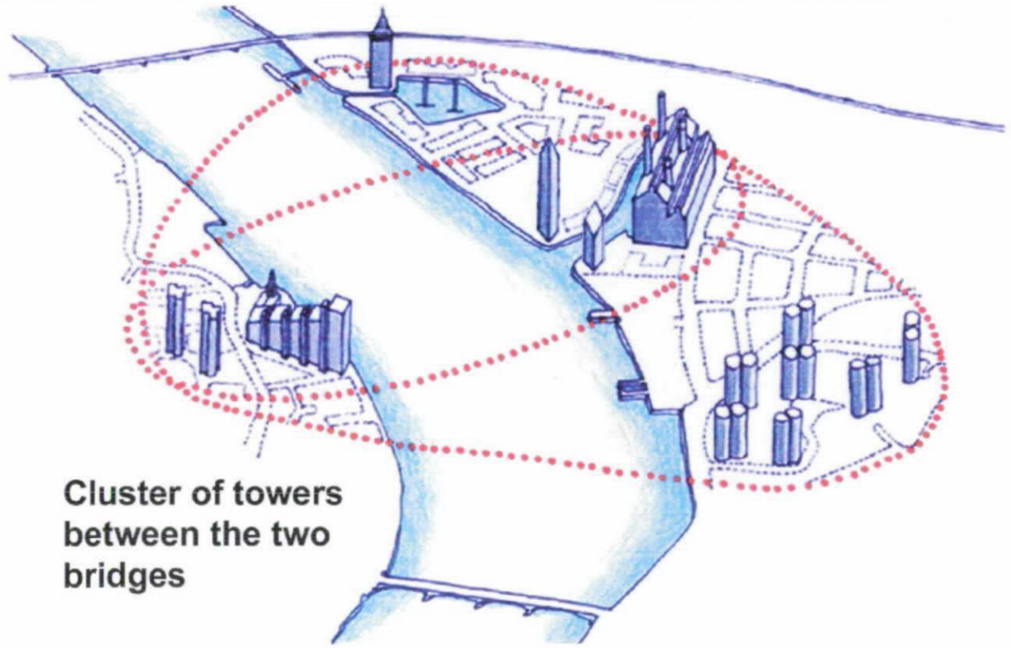


cross reference from **section 2.2.11**



cross reference from **section 2.2.13**





cross reference from **section 2.2.14**



cross reference from **section 2.2.14**

Lots Road Proposals in Context 2.2.15



cross reference from **sections 2.2.15 / 5.2.7 / 5.2.10**

Issue Three | Summer 2001

Circadian submits Lots Road Planning Application to Boroughs



A computer enhanced image from Battersea Bridge illustrating the local cluster of towers, together with the proposed pair of landmark towers at the mouth of Chelsea Creek on the Lots Road power station site.

After two years work, Circadian, the joint venture company owned by Taylor Woodrow Capital Developments and Hutchison Whampoa Properties, has submitted its detailed planning application to the Royal Borough of Kensington & Chelsea and London Borough of Hammersmith & Fulham for the redevelopment of the Lots Road power station site.

Plans for the power station, one of the three original riverside power stations in Central London, propose an extended urban quarter on the 3.46 hectare (8.55 acre) site, which straddles Chelsea Creek on the boundary between the two boroughs.

Regarded as one of London's largest and most important urban regeneration projects of recent times, the £350 million project has been masterminded by internationally renowned architect, Terry Farrell, whose London projects include Charing Cross, the MI6 building and currently, the new Home Office headquarters in Victoria.

Power station to be retained

The application includes retention of the Victorian brick-built power station building, which has supplied electricity to London's underground for nearly a hundred years. A public street, similar in size to the main hall at Tate Modern, will run the full length of the building and a public viewing tower is proposed for the top of one of the two chimneys. There will also be eight new buildings, including two landmark towers, positioned either side of the creek mouth and inspired by the work of top British sculptor, Lynn Chadwick.

32% Affordable Housing

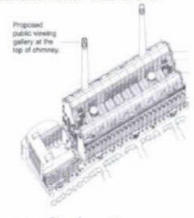
In total the development (excluding basement car parks and new street) amounts to approximately 110,000 square metres (or 1.2 million square feet). This includes around 10,000 square metres (or 108,000 square feet) of commercial, ancillary residential and community uses with provision for local shops and restaurants. Together the development will provide more than 700 residential units, thirty-two percent of which will be affordable, including those for key workers.

Chairman of Circadian, Alasdair Nicholls, says:

"This project is one of the most important and technically complex brownfield redevelopments in the capital, requiring a substantial decommissioning and decontamination programme, lasting 18 months and costing, in the power station alone, £30 million. We believe our proposals have addressed the key environmental, transport and affordable housing needs and we are greatly encouraged by the enthusiasm with which our proposals have been received."

A UK first for Lots Road

In what is believed to be the first initiative of its kind on any private residential development in the UK, Circadian is providing a Transport Information Centre on site with a full time manager and dedicated transport website. Available to the wider local community, the scheme will keep residents updated on transport and traffic initiatives, encouraging the use of new and improved public transport and river bus services as well as walking and cycling. Circadian's transportation planners, Symonds, predict that public transport capacity will be improved by an additional 1000 passenger movements per hour on Express Bus, C3 bus and River Bus alone during the peak hour period.



Building work cannot begin until late 2002 when London Underground are scheduled to vacate the power station site.

→ find out more...

CONTENTS

1 Planning application submitted
2 3 The plans in more detail
4 A Major Urban Regeneration Initiative
The Future of Chelsea Creek
Stop Press & In brief
Contact Details

circadian news

circadian

Issue Four | Autumn 2001

Circadian Buys Chelsea Harbour Phase II Land

Circadian, the joint venture between Taylor Woodrow Capital Developments and Hutchison Whampoa Properties, has bought the site known as Chelsea Harbour Phase II. Amounting in all to 2.2 acres, the land is situated on the River Thames between Chelsea Harbour and the Lots Road power station site, off Thames Avenue, SW10.



Artist's impression of the Thames Avenue development from the River Thames

The Chairman of Circadian, Alasdair Nicholls, says that the purchase of this additional land enables Circadian to deliver a comprehensive scheme over both this site and their power station site adjoining:

"Our architect, Sir Terry Farrell, is one of this country's most respected architects, and a master planner of world class stature. His vision for Lots Road was always for a broader picture, including both sites, which in all amount to 11 acres, where Circadian proposes a scheme creating a new riverside residential quarter for London."

More Public Space on the River

"It is probably the last opportunity, certainly within West London, that a brownfield site of this size, on the river, will come up for residential development," says Nicholls. "It gives us an opportunity to open up West Chelsea to the river, the power station having prevented riverside access for over a century."

Circadian's masterplan for the combined sites has been developed around Public Open Space and garden squares. There will be an additional 500 metres of newly created Thames Path National Trail. New public footpaths will pass through the power station and link neighbouring streets to the River Thames.

£5 million has been earmarked to landscape water gardens around Chelsea Creek, which dissects the site between the boundaries of Kensington and Chelsea and Hammersmith and Fulham. There will be a creekside walk, three pedestrian bridges and a nature reserve in the basin at the head of the creek.

Continued on page 2

→ find out more...

CONTENTS

1 Circadian Buys Chelsea Harbour Phase II Land
2 3 Circadian Buys (Continued)
Overshadowing
Transport & Traffic Update
4 What Happens to Chelsea Creek After De-Commissioning
Current Status Update
Community News
Contact Details
Insert: Thames Avenue, SW10 Planning Application

circadian news

circadian

cross reference from **section 2.4.1**

ENGLISH HERITAGE

LONDON REGION

Jan Pool BSc Dip TP MRTPI
Montagu Evans
Chartered Surveyors
44-48 Dover Street
London
W1S 4AZ

Your Ref: JWP/jb/PD5824

Our Ref: LRS/008160/PS

Direct Dial: 0207-973-3471

Direct Fax: 0207-973-3792

27 June 2001

Dear Mr Pool

Your proposals for the redevelopment of the Lots Road Power Station site were considered by our London Advisory Committee on 4 May, and subsequently by our Commissioners at their meeting on 27 June following the publication of the joint English Heritage-CABE *Guidance on Tall Buildings* on 12 June.

Your proposals were assessed in the light of the criteria set out in the Guidance. Of particular importance to English Heritage were the potential impact of your proposed tall buildings on the wider historic environment, and the relationship of the new development to the topography of the area and other tall buildings in the vicinity.

English Heritage warmly welcomes the adaptation and conversion of the Lots Road Power Station to a residential, office and mixed use building, and the principle of two towers in this location. With regard to the former Power Station we would like more of the original fabric to be retained including the 1930s control room, overhead gantries and other internal elements, including the spine wall between the two turbine halls. The building should be fully recorded before any demolition or alterations take place.

In considering the wider development on the site, we believe that the location is appropriate, in principle, for two tall buildings, which we think will enhance river views and the skyline of this part of London. In coming to this conclusion we are mindful of the effect of several other tall buildings on the area including the King's Road towers, Chelsea Harbour, Montevetro and the power station chimneys. The small footprint of the proposed towers results in slender profiles which are both interesting and elegant, particularly the long views from the river, and in dynamic views from the bridges to the east. The landmark location at a major bend in the river and opposite Montevetro are also important considerations. In developing the emerging scheme, we would like to explore further with you the precise impact of the towers on views from surrounding conservation areas and, in particular, on Brompton Cemetery. In addition, as we have discussed, more

23 SAVILE ROW LONDON W1S 2ET
Telephone 020 7973 3000 Facsimile 020 7973 3001
www.english-heritage.org.uk
The National Monuments Record is the public archive of English Heritage.

ENGLISH HERITAGE

detailed work is still needed to resolve the public spaces around the site and also on the relationship between the Power Station and the proposed new buildings. We look forward to discussing these aspects with you in due course.

I am copying this letter to Kensington & Chelsea and also Hammersmith & Fulham Borough Councils to whom I understand you are about to make full planning applications.

Yours sincerely

Nicholas Antram
Assistant Regional Director
Kensington and South London Team

cc: Sir Terry Farrell, Terry Farrell & Partners
Jon Rouse, CABE

cross reference from **section 2.4.2**

ENGLISH HERITAGE

NEWS RELEASE

498/06/01 Wednesday 27 June 2001

ENGLISH HERITAGE DECISIONS ON LOTS ROAD AND LONDON BRIDGE TOWER

For Immediate Release

Two new Tall Building cases – for Lots Road Power Station and London Bridge - have been assessed by English Heritage under the criteria outlined in the consultation paper *Guidance on Tall Buildings*, launched jointly with CABE (Commission for Architecture and the Built Environment) on 19 June 2001. Among the criteria for evaluating tall buildings, the impact on the wider historic environment and the relationship of the new development with the topography of the area and other tall buildings, are of particular importance to English Heritage.

Sir Neil Cossons, Chairman of English Heritage, said:
"Our decision today demonstrates that the English Heritage and CABE *Guidance on Tall Buildings* is working. We have looked at two new schemes in parallel.

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

Conversely, we believe that the London Bridge Tower would have a major detrimental impact on the Tower of London World Heritage site - like a spike through its heart. It would also be wholly inappropriate and unsympathetic to the character of Southwark and two protected strategic views of St Paul's. We feel it should not proceed."

(MORE)

23 SAVILE ROW, LONDON W1S 2ET
Telephone 020 7973 3650 Facsimile 020 7973 3348

English Heritage Commissioners welcomed the Terry Farrell and Partners adaptation and conversion of the Lots Road Power Station as a residential, office and mixed-use building. The scheme at pre-application stage has been given a green light, subject to detailed discussions on the retention of the 1930s control room, overhead gantries and other internal elements as part of the overall scheme. The Power Station provided electricity for over a century to London's underground network and is currently awaiting the outcome of a listing recommendation to the Secretary of State.

In addition to the conversion of the Power Station, two new tall buildings are planned for the site. Dynamic views of the power station from Battersea Bridge, Albert Bridge and Chelsea Bridge and its landmark position on a bend in the river, as well as its relationship to Chelsea Harbour, the World's End Towers and the Montevetro Building were all taken into account. Commissioners believe that the two tall towers of differing heights will complement the 85 metre chimneys of the Power Stations and its surroundings, and provide a dramatic new focal point that will enhance river views. More detailed work is also recommended for the public space around the site and the relationship between the Power Station and the proposed new buildings.

A second tall building, London Bridge Tower, which at 306 metres would be the tallest building in Europe, by the Renzo Piano Building Workshop was also considered. Commissioners took the view that while the building is potentially of the highest quality, the proposed tower in this location would detract severely from the setting of the Tower of London World Heritage site, the character of Southwark and two protected strategic views of St Paul's - from Kenwood and Parliament Hill Fields.

In this case, English Heritage also shares CABE's site-specific concerns that the scheme fails to provide a comprehensive masterplan for the integration of the new building with the wider re-development of London Bridge Station and the Borough Market area. *Guidance Notes for Tall Buildings* emphasises that the relationship to transport infrastructure, and particularly public transport provision, must be taken into account. A building of the size of London Bridge Tower would put considerable additional stress on the already overloaded capacity of the transport infrastructure. English Heritage believes that this is the wrong location for the tallest building in Europe.

(MORE)

cross reference from **section 2.4.2**

As the scheme raises major strategic issues of more than local importance and is also contrary to Southwark Council's Unitary Development Plan, English Heritage believes that a wider public debate is essential and that the scheme should be called in by the Secretary of State for Transport, Local Government and the Regions for his decision to enable all of the issues to be considered thoroughly. In the event of a public enquiry English Heritage staff will attend and give evidence.

[Ends]

Notes for Editors

- Full copies of **Guidance on Tall Buildings** are available at www.cabe.org.uk or www.english-heritage.org.uk or from English Heritage Customer Services on 01793 414910.

For further press information please contact:

Sophie Jepson, English Heritage, tel. 020 7973 3294 or fax. 020 7973 3294 or e-mail: sophie.jepson@english-heritage.org.uk.

cross reference from **section 2.4.2**

cabe

13 December 2002

TERRY FARRELL & PARTNERS RECEIVED 16 DEC 2002 MSF NB FILE LR7247 07:02b.

Aidan Potter
Terry Farrell Partnership
7 Hatton Street
London
NW8 8PL

DR/L/20&13/A

Dear Aidan,

KENSINGTON & CHELSEA/ HAMMERSMITH & FULHAM: LOTS ROAD

Thank you for coming to the meeting of CABE's design review committee on the 4 December in connection with this scheme. We are grateful for the trouble that was taken in preparing the presentation material and for the presentation itself. Having considered the scheme in the light of the presentation and the discussion which followed it, the committee's views are as follows:-

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

The changes to the site layout have in our view resulted in a successful sequence of open spaces each with a distinct character. We think that the relative heights and locations of the towers work well. The new D-shaped block, providing accommodation with a clear distinction between fronts and backs, is also welcomed,

Noting that there will be considerable numbers of children living in the housing provided in this project, we would like more thought to be given to the question of how children of all ages will spend their time, and what provision can be made for them - particularly for teenagers, where good solutions are harder to find.

Commission for Architecture & the Built Environment
The Tower Building
11 York Road
London
SE1 7NX
T 020 7960 2400
F 020 7960 2444
E enquiries@cabe.org.uk
W www.cabe.org.uk

Registered in England No. 3531652
Registered Office The Tower Building
11 York Road London SE1 7NX

cabe

Please keep the committee in touch with the progress of this scheme. If there is any point on which you would like clarification, please telephone me.

Yours sincerely

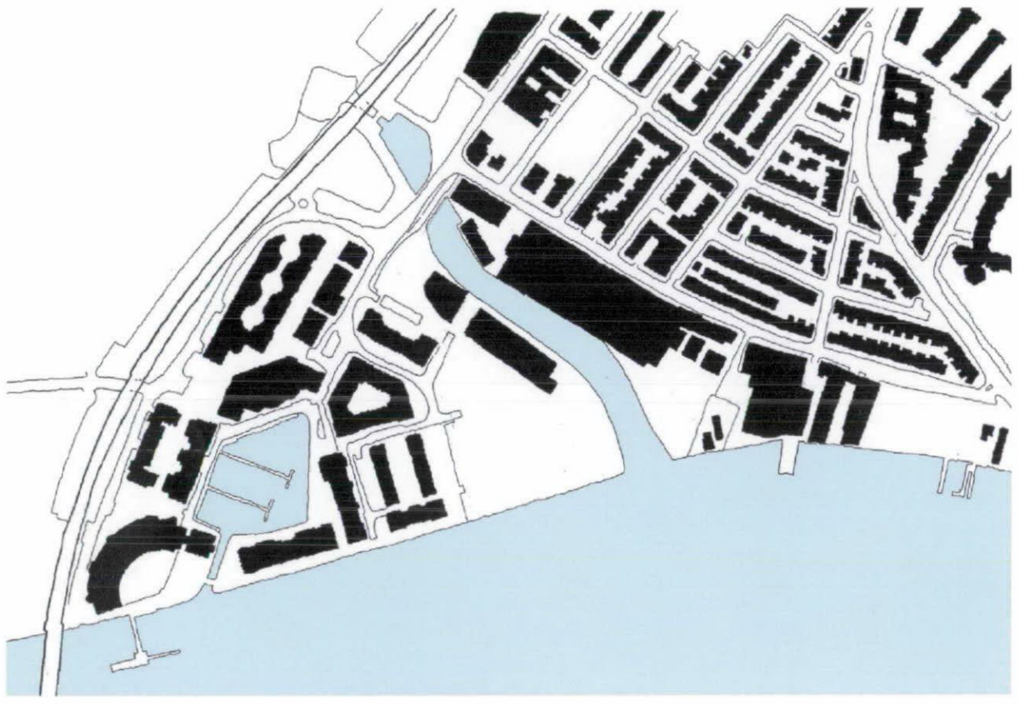
Peter Stewart
Director of design review

cc
Malcolm Kerr — Montagu Evans
Steve Davies — London Borough of Kensington & Chelsea
Paul Entwistle — London Borough of Hammersmith & Fulham
Philip Davies — English Heritage

cross reference from **section 2.4.2**



cross reference from **sections 2.5.1 & 2.5.2**



existing residential grain and street pattern

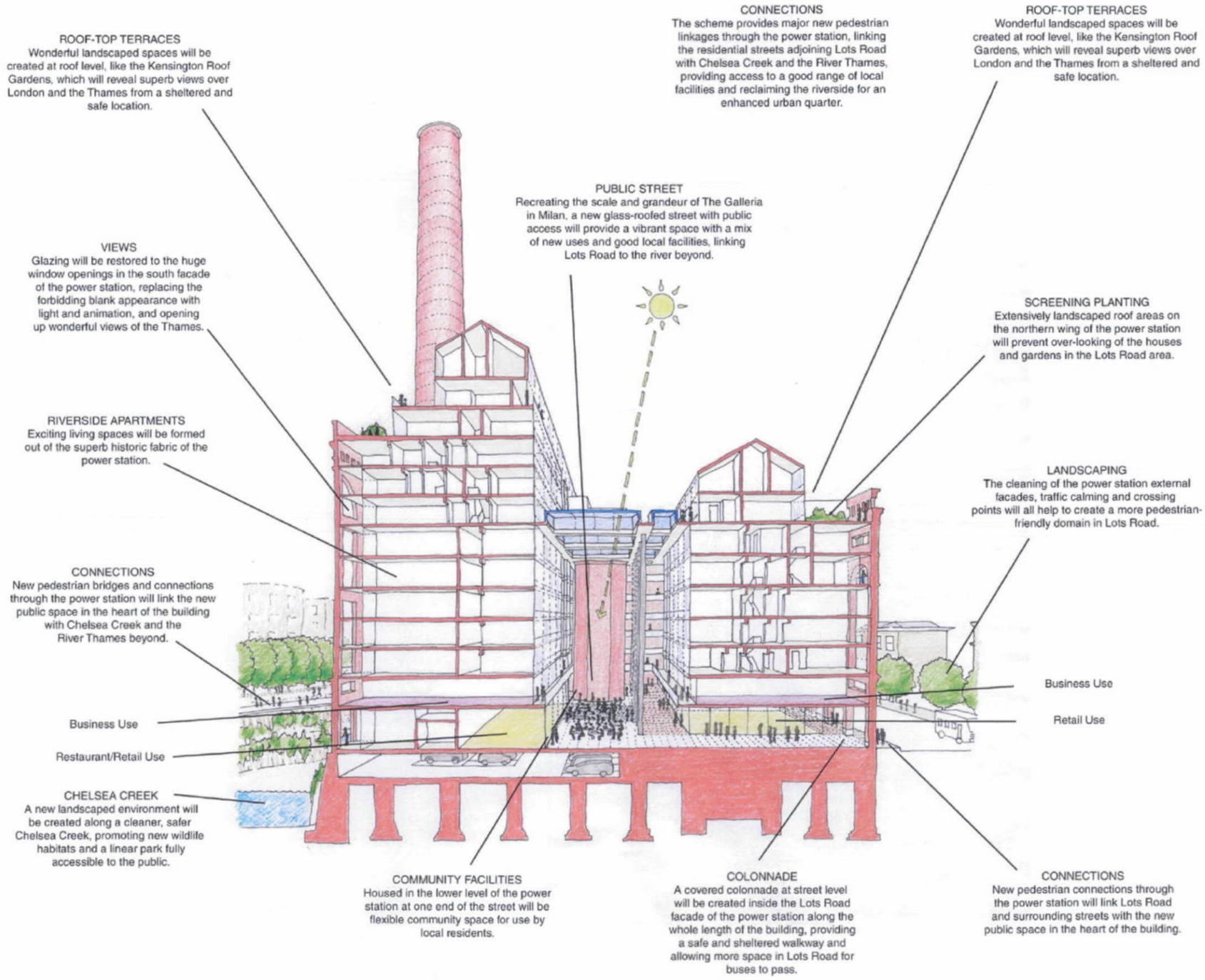


proposed street pattern

cross reference from **section 3.2.2**

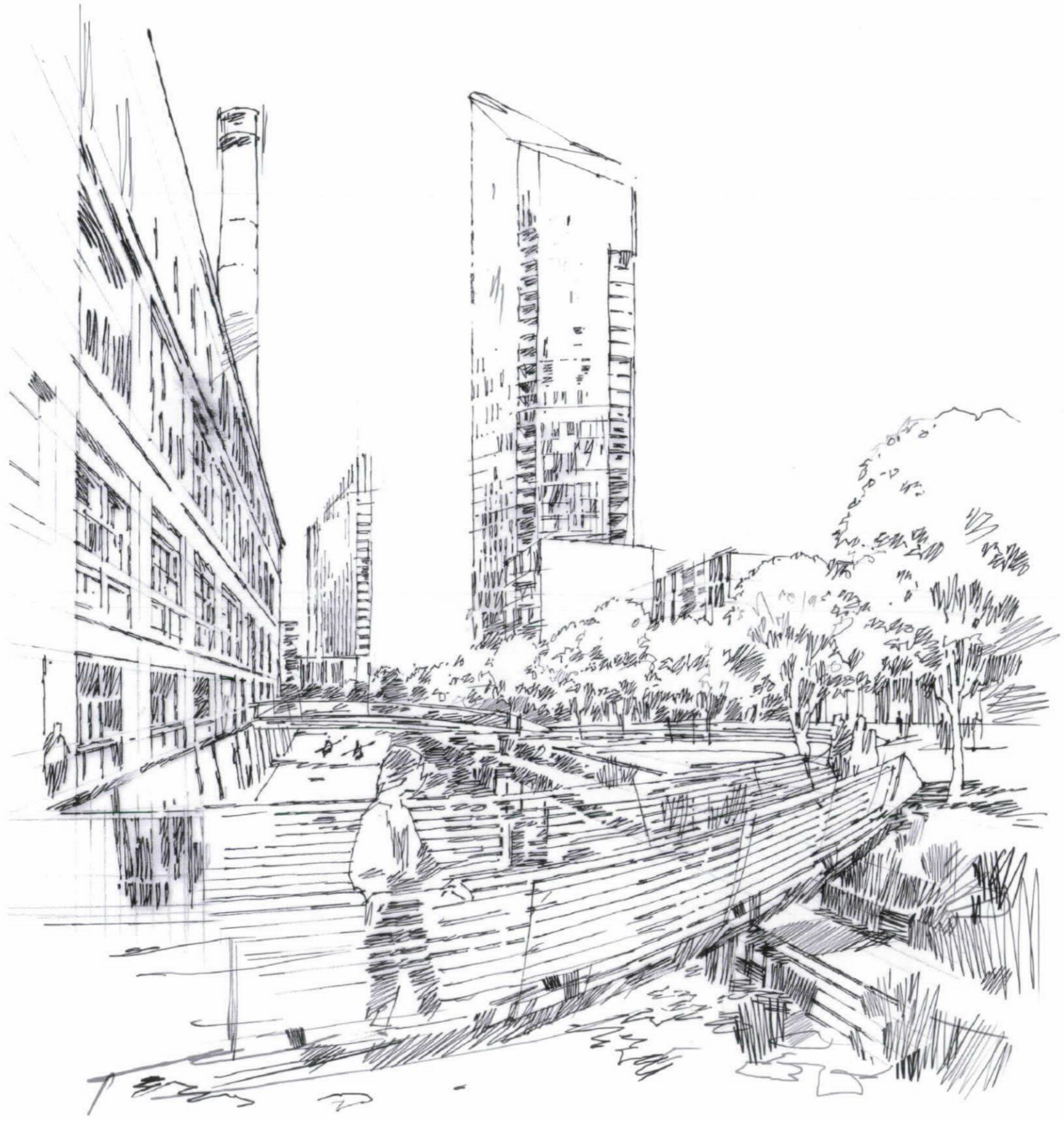
Power Station - Cross Section

3.3.4



cross reference from **sections 3.3.4 & 3.6.6**

View of Creek | 3.3.5



cross reference from **sections 3.3.5 & 3.3.12**

View from Lots Road Entrance to Power Station 3.3.6

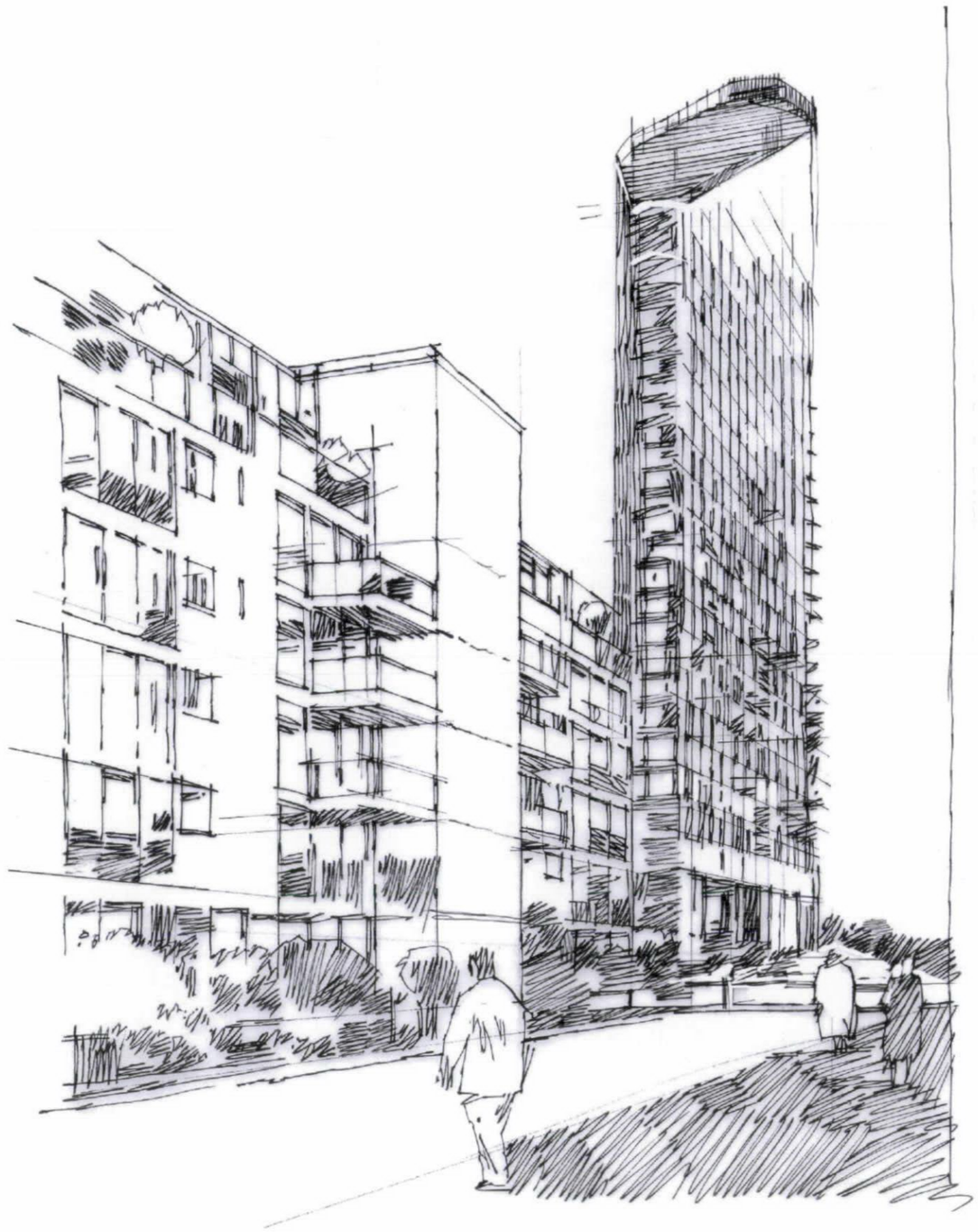


cross reference from **section 3.3.6**



cross reference from **section 3.3.7**





cross reference from **section 3.3.19**

Site viewed from South Bank 3.5.4



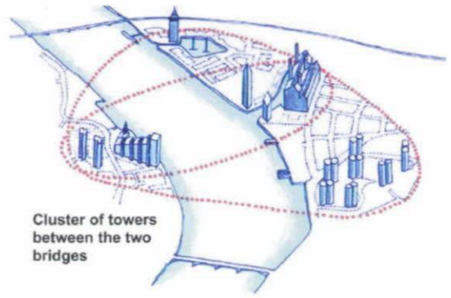
cross reference from **section 3.5.4**

Montevetro, Chelsea Harbour, Lots Road and Worlds End in context

3.5.9







cross reference from **section 3.5.9**

Lots Road View 3.6.3



artists impression of the shop / retail frontages on Lots Road

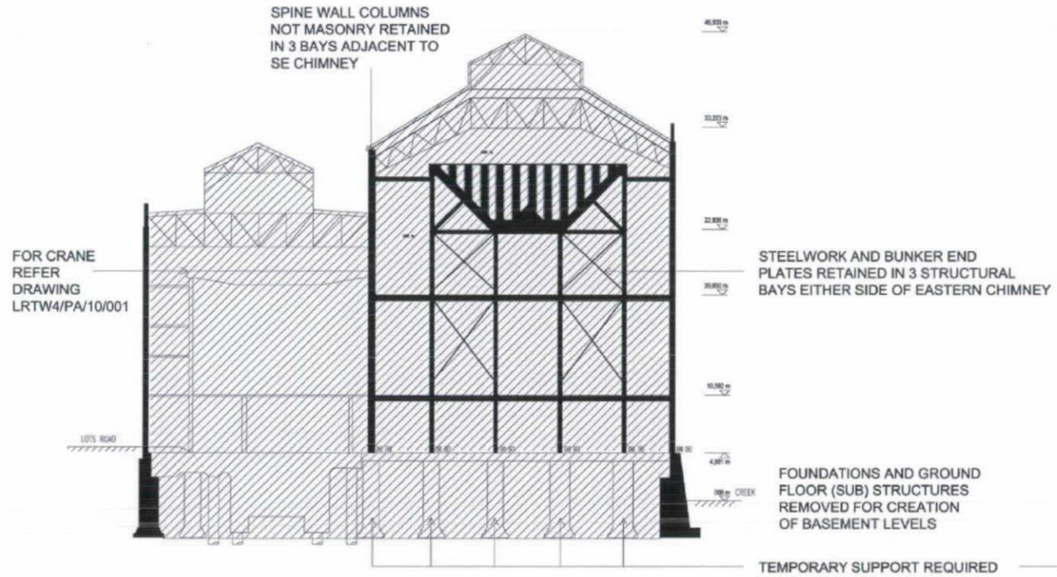
cross reference from **sections 3.4.4 & 3.6.3**

View along Lots Road looking East 3.6.4

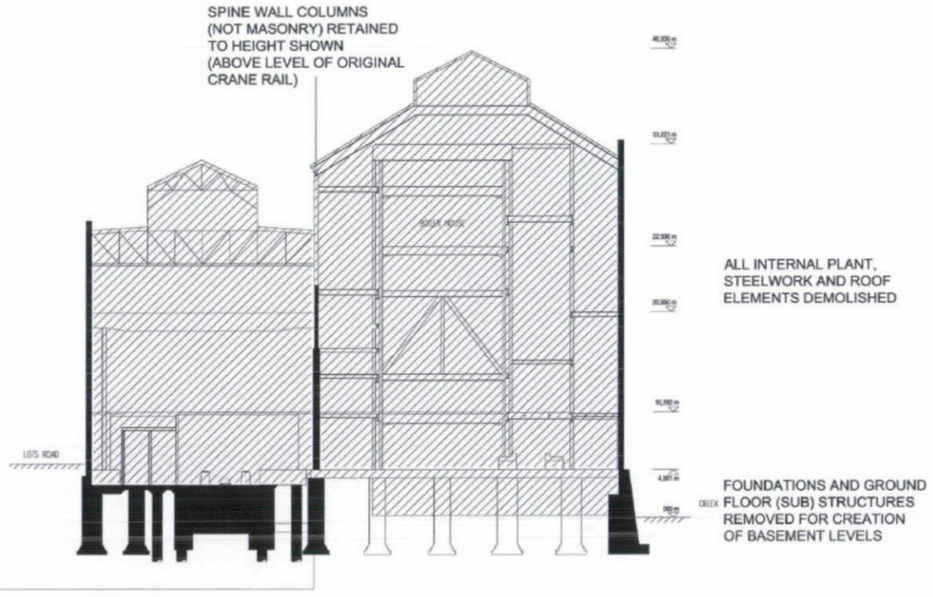


view along Lots Road, looking east

cross reference from **section 3.6.4**



SECTION A-A



SECTION B-B

AREA TO BE DEMOLISHED

AREA TO BE RETAINED

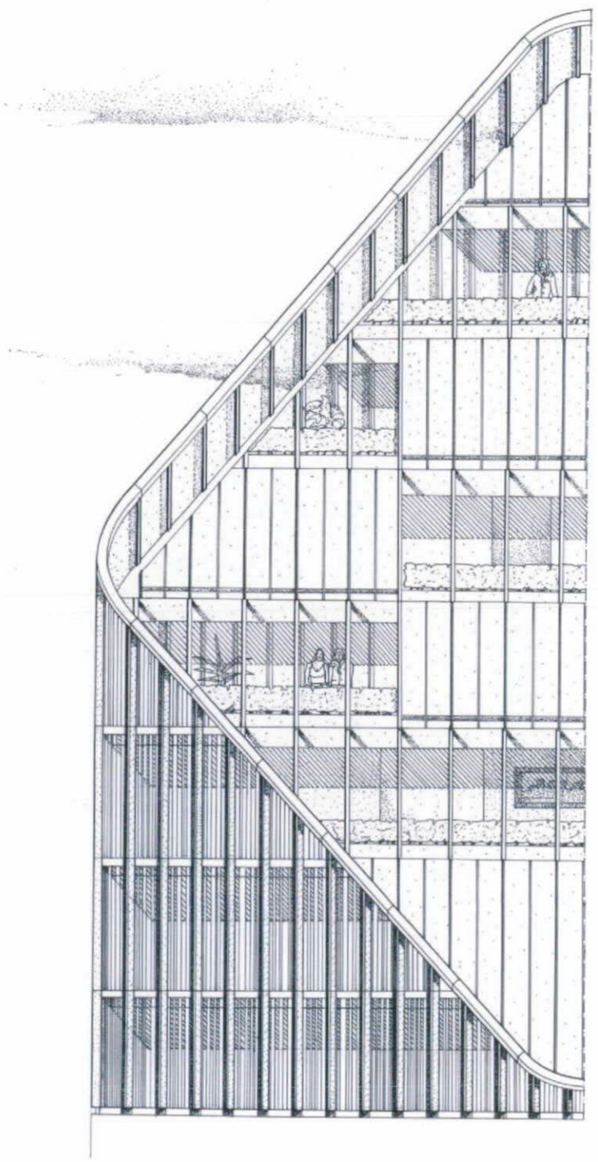
CHIMNEYS NOT SHOWN FOR CLARITY,
BUT RETAINED IN THEIR ENTIRETY.
REFER DRAWING LRTW-4/PA/10/004
FOR NEW OPENINGS IN CHIMNEYS

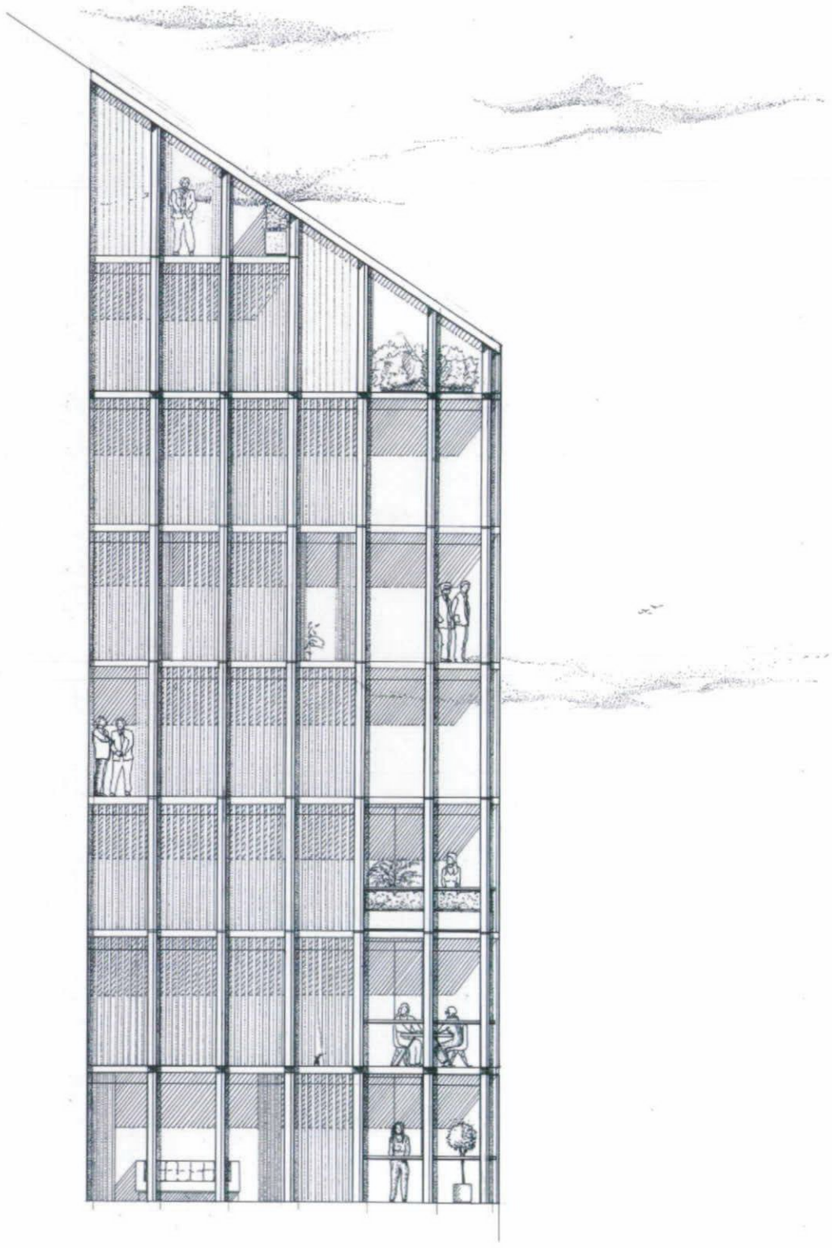
REFER TO WATERMAN ENVIRONMENTAL
DRAWINGS FOR PLANT REMOVAL

REFER TO TFP DRAWING LRTW-4/PA/07-007
FOR HEIGHT OF SPINE WALL COLUMNS

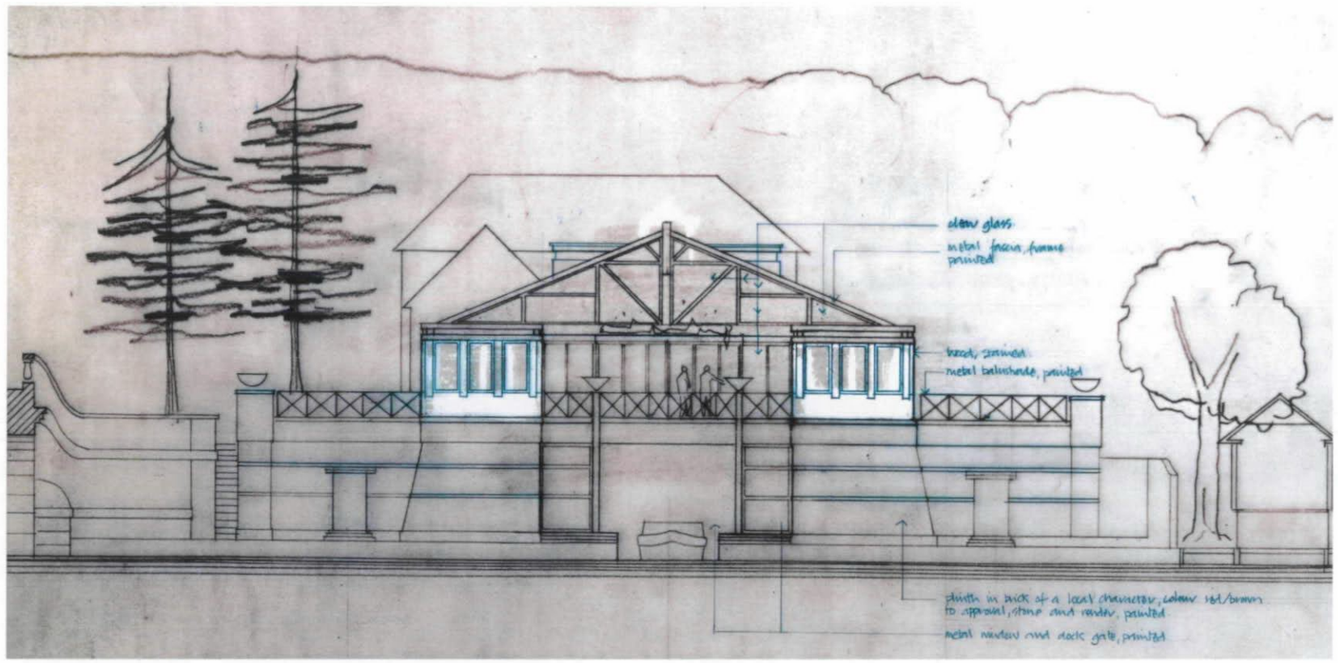
cross reference from **sections 2.2.8 & 3.6.5**

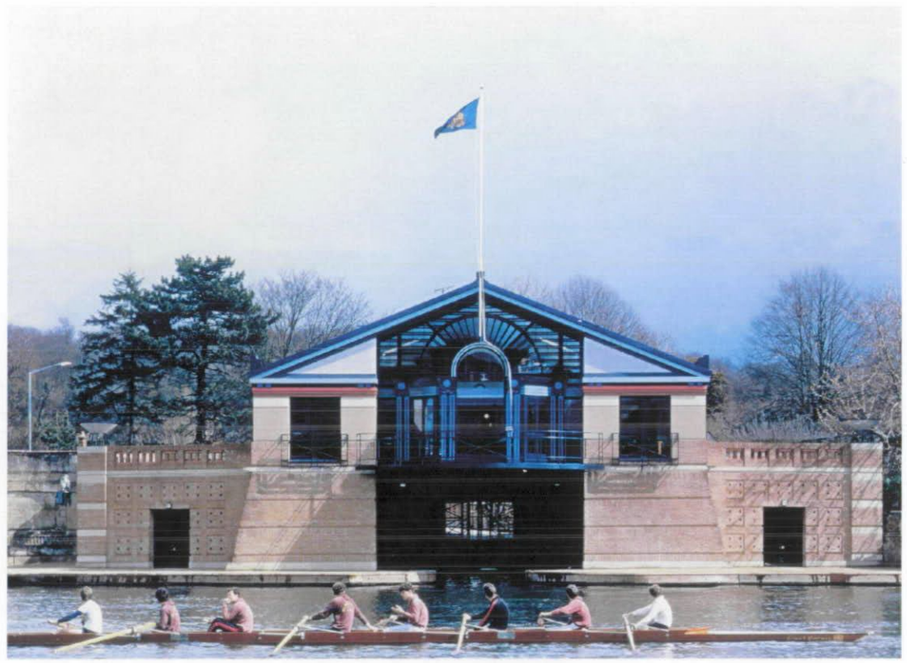
Detail of Top of Towers 3.7.6





cross reference from **sections 3.7.6 & 3.7.7**



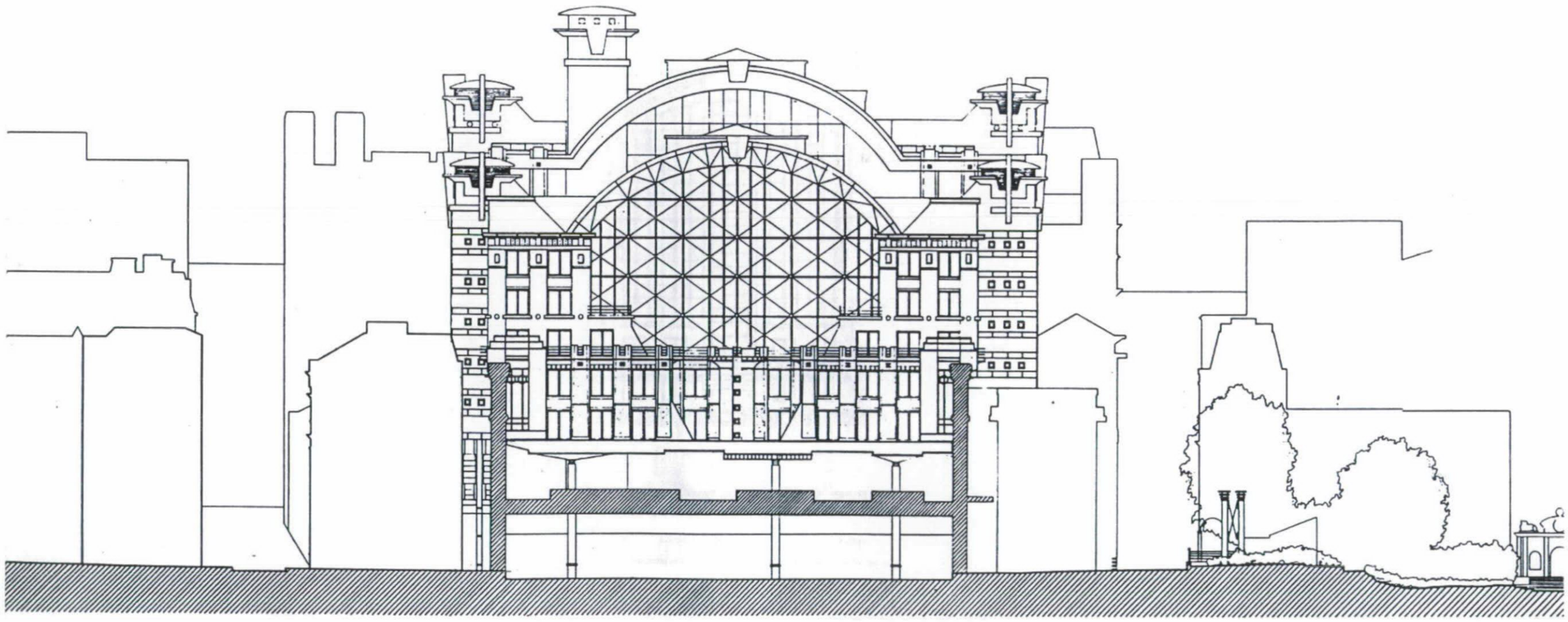


cross reference from **section 4.2.1**

AIR-RIGHTS BUILDING

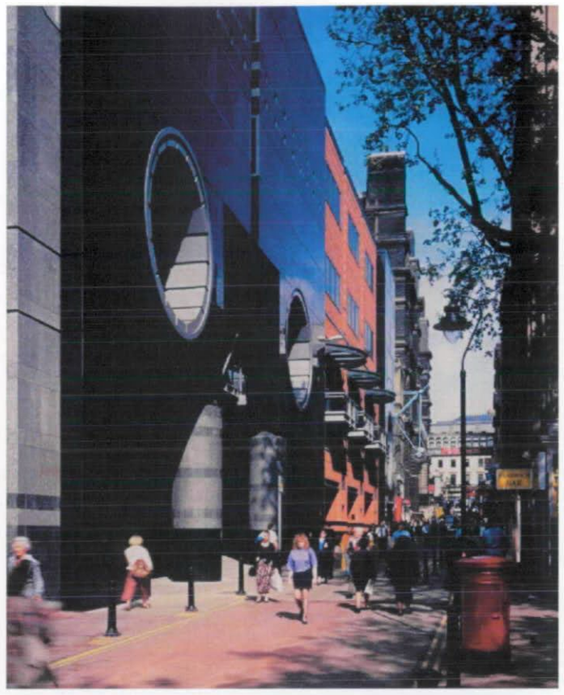
SOUTH ELEVATION

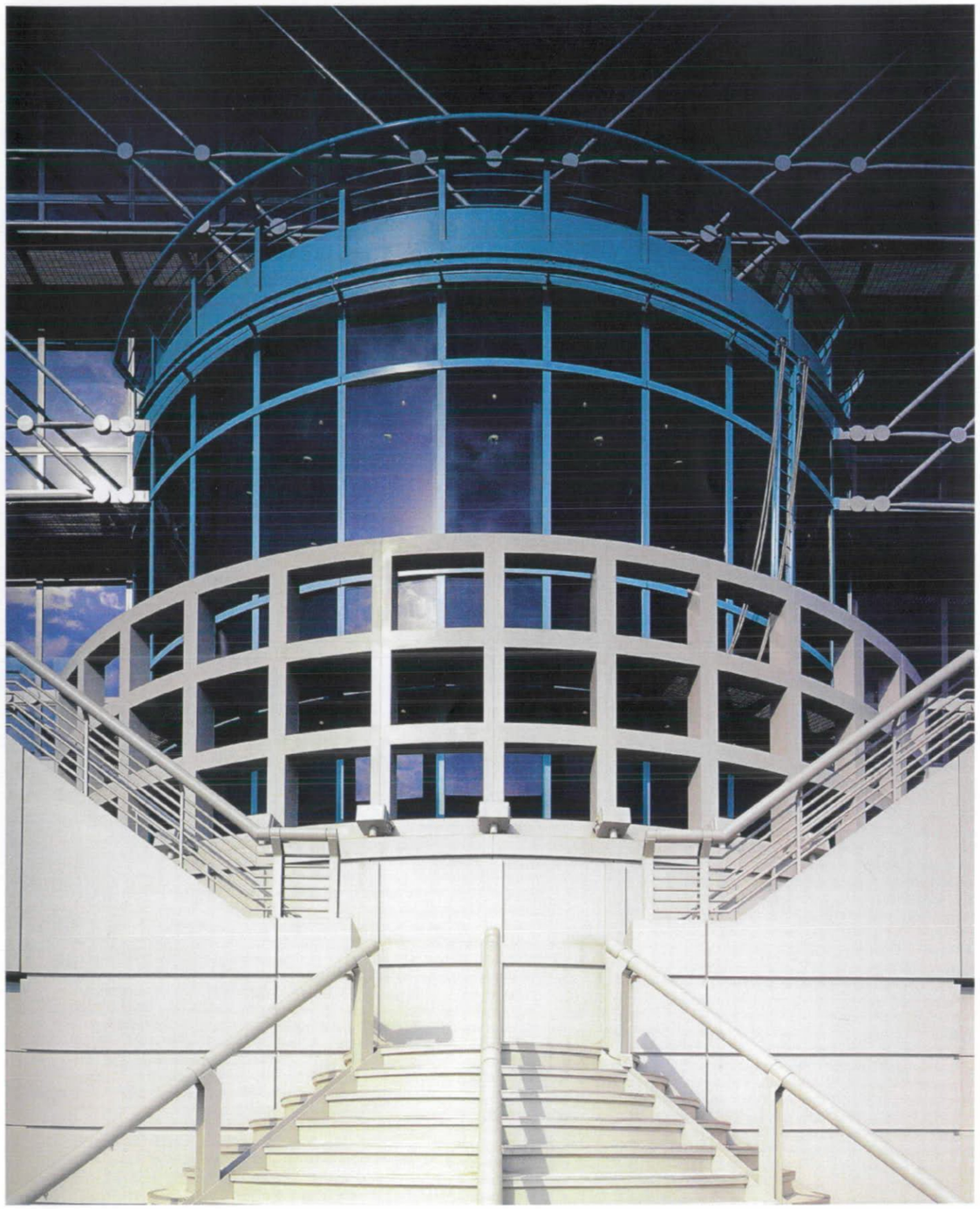
CX.A/AR/01/0019



cross reference from **section 4.2.2**

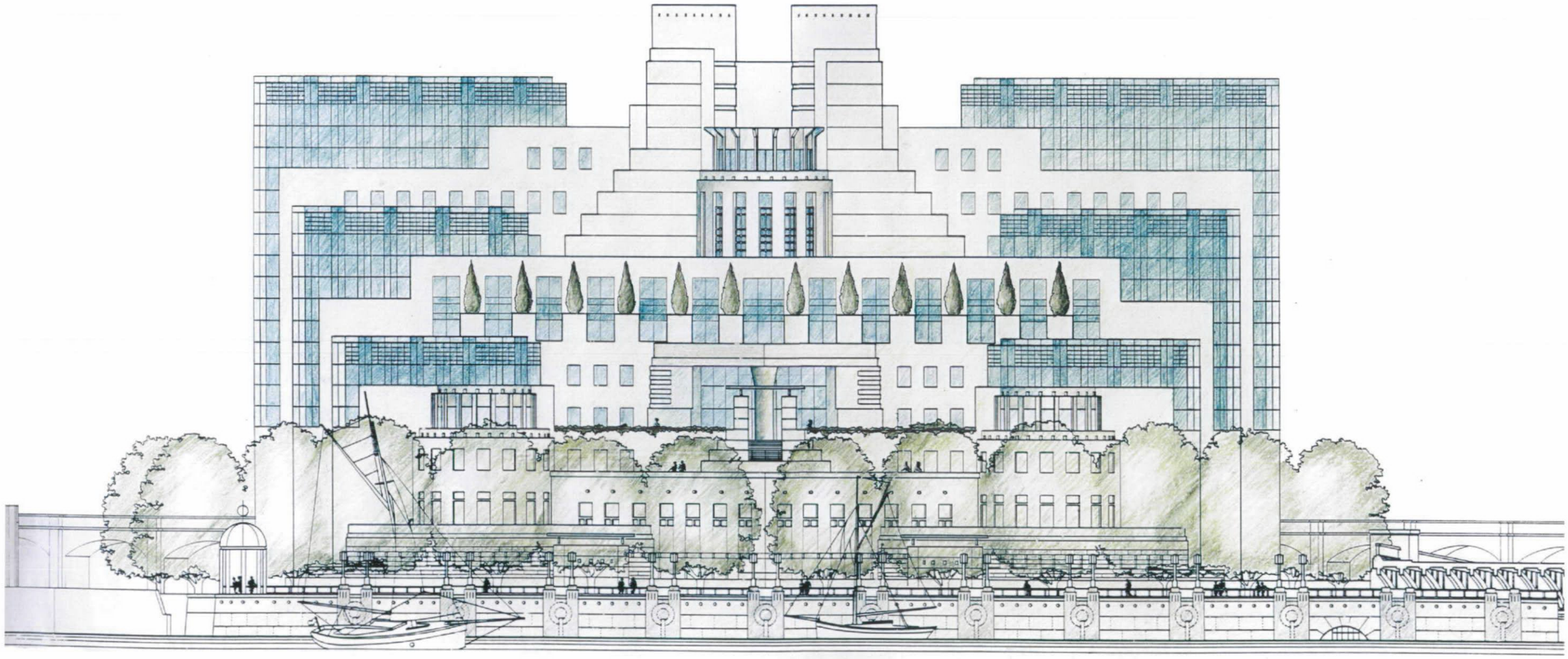




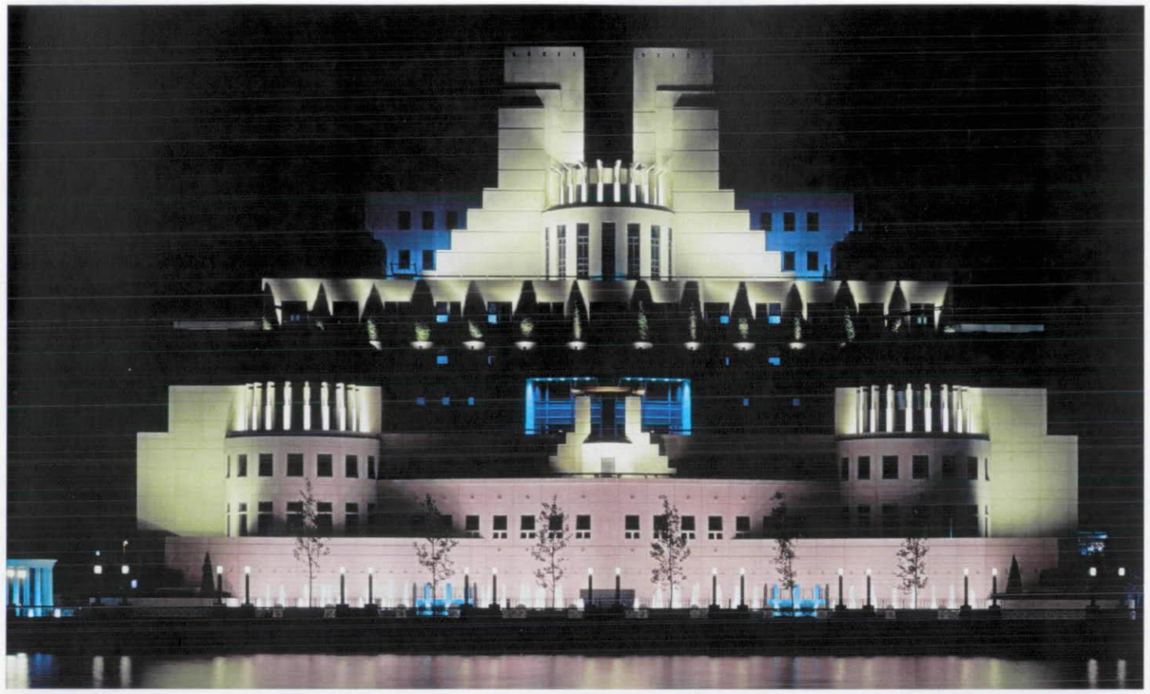




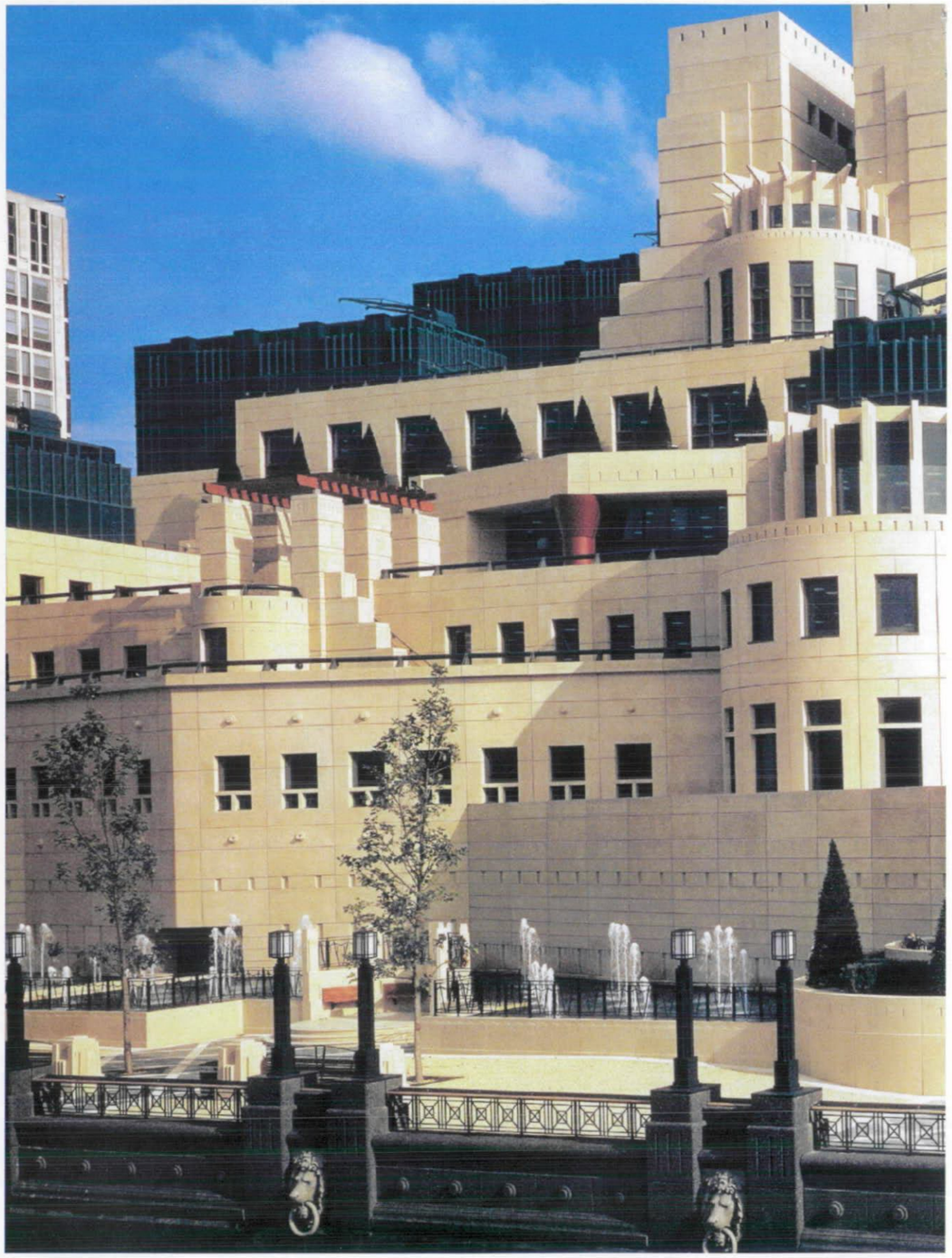
cross reference from **section 4.2.2**



cross reference from **section 4.2.3**

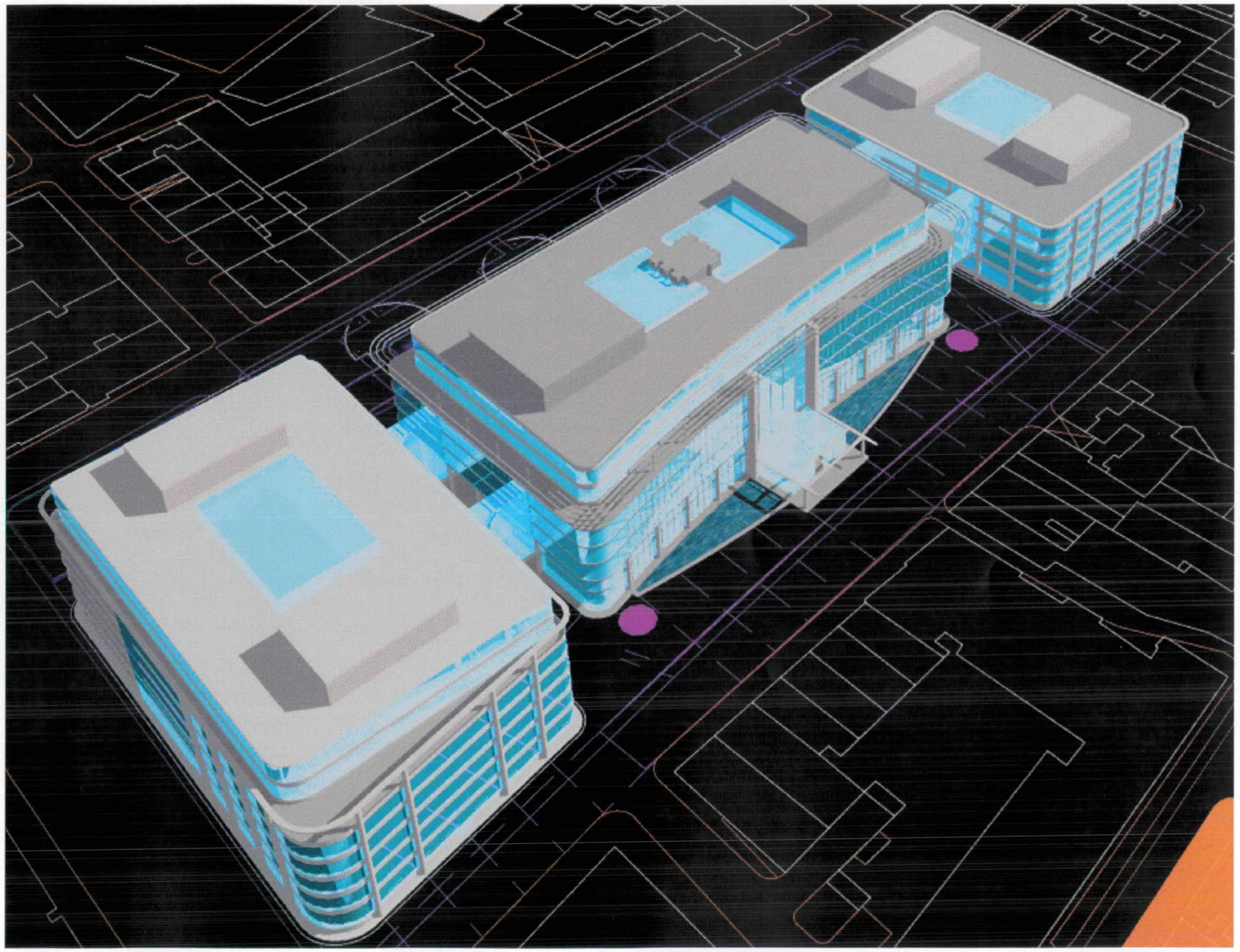




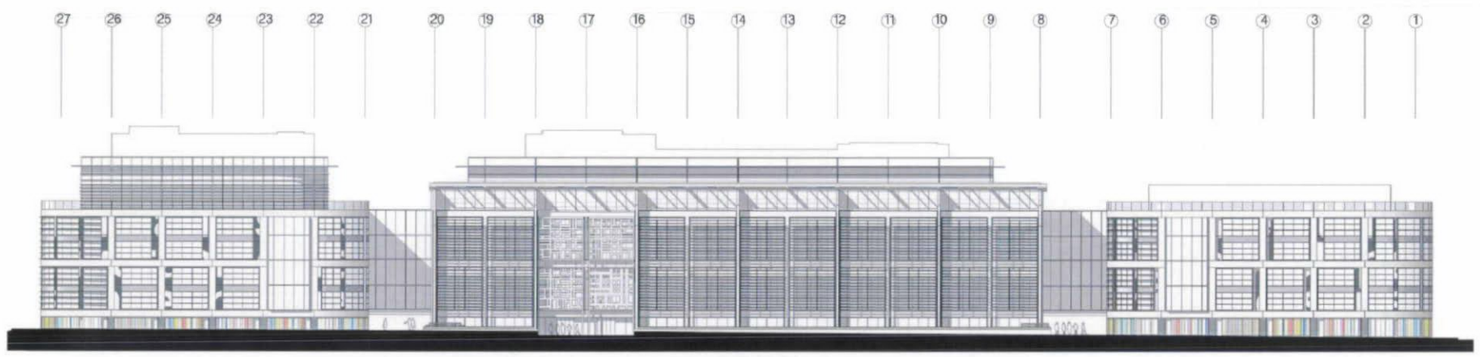


cross reference from **section 4.2.3**

Marsham Street Planning Permission 1995 | 4.2.4



cross reference from **section 4.2.4**



East Elevation



Plan of Canopy



Art Elevation

Key
1 Main Canopy
2 Vitrines
3 Entrance Icon
4 Treated Glass Facade
5 Sculptures



cross reference from **section 4.2.5**

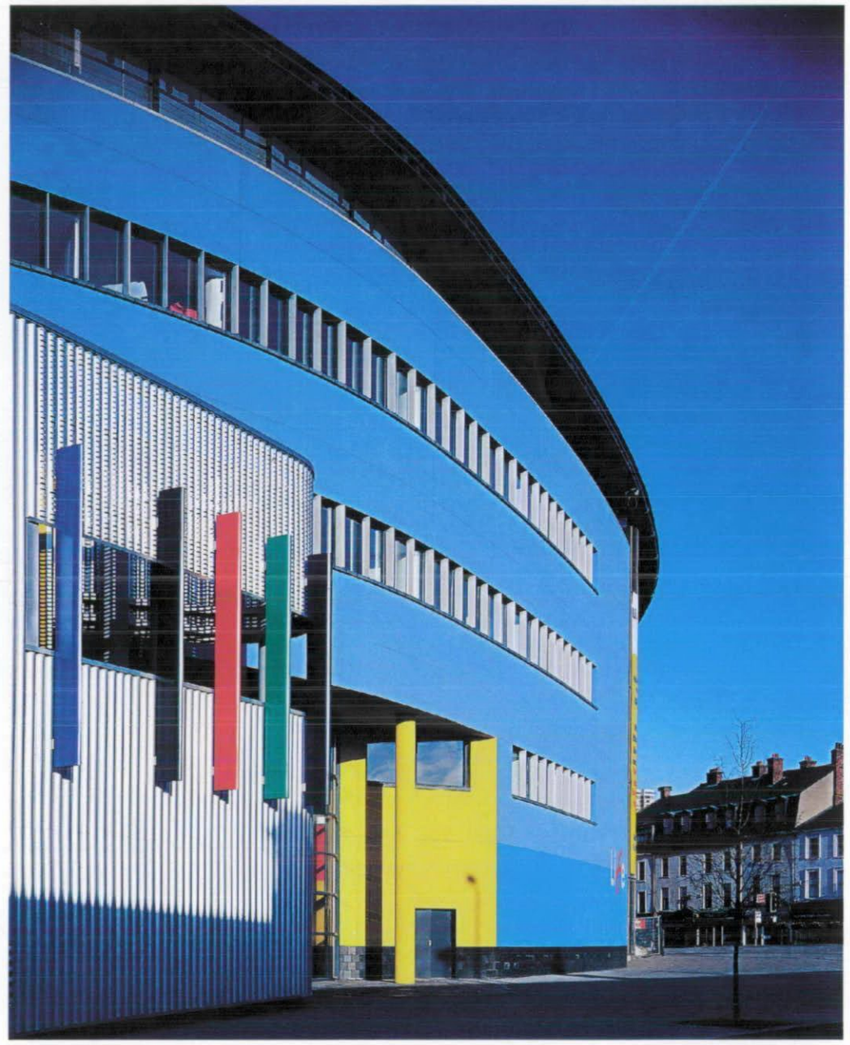






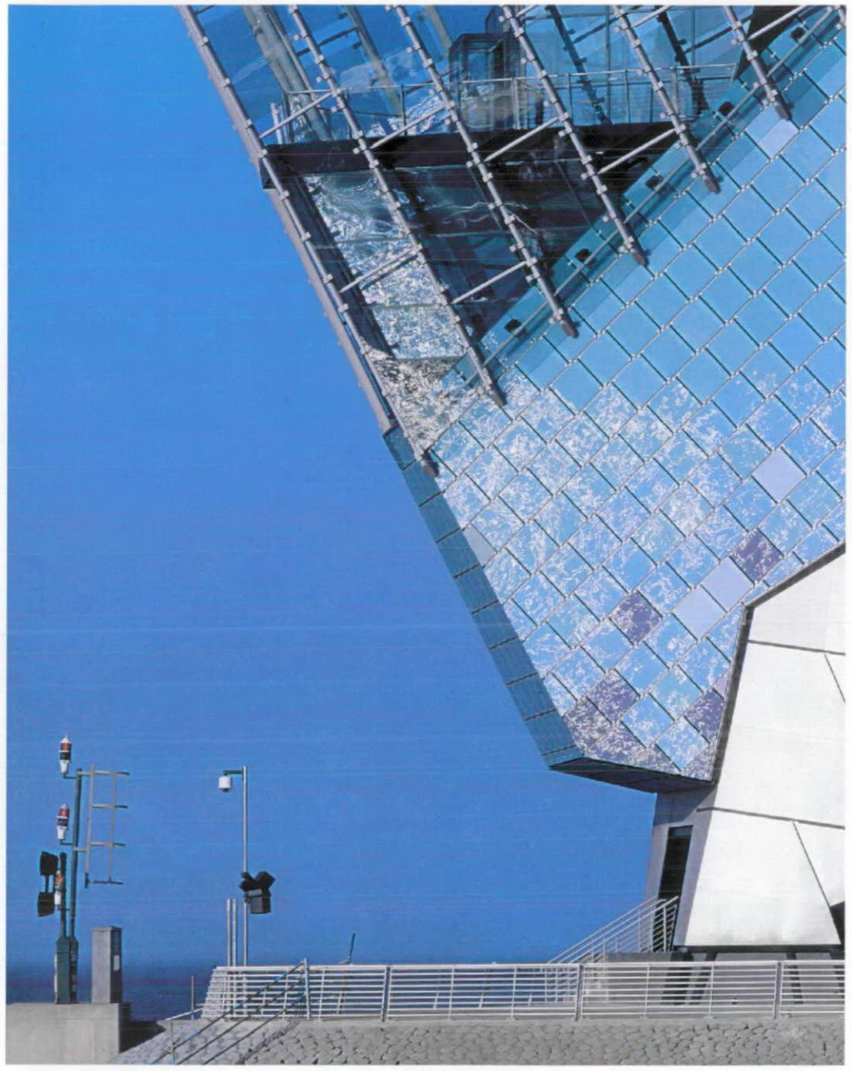
cross reference from **section 4.2.6**





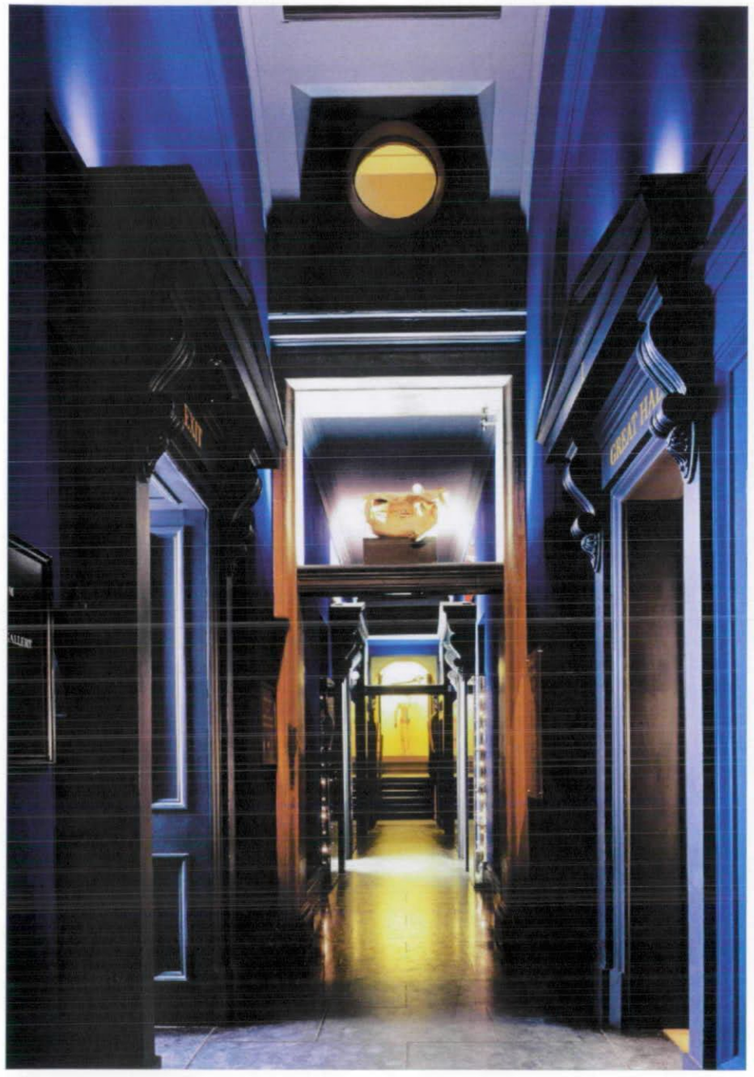
cross reference from **section 4.2.6**

The Deep, Hull 4.2.6





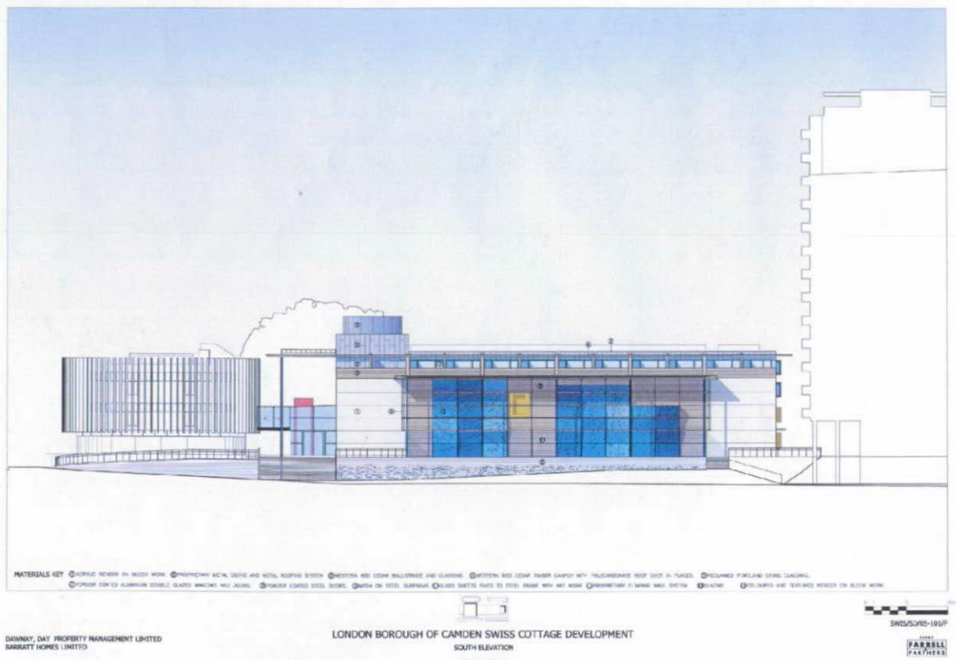
cross reference from **section 4.2.6**

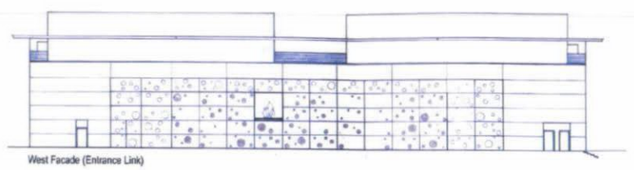




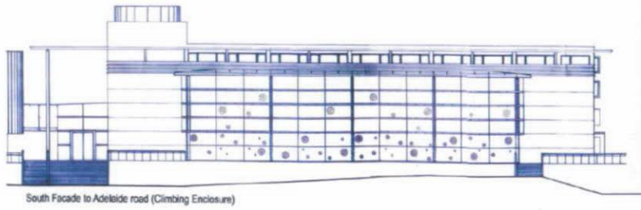
cross reference from **section 4.2.6**



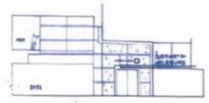


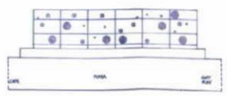

West Facade (Entrance Link)


Colour wash of Entrance Link by Martin Richman


South Facade to Adelaide road (Climbing Enclosure)


Overlapping film overlaid on glass


North Entrance


Internal Mezzanine Elevation


South Entrance

Terry Farrell & Partners are collaborating with the lighting artist, Martin Richman, on the entrance link and climbing enclosure aspects of the new leisure centre. Martin has already worked successfully with the architect's of the new Theatre and Library refurbishment at Swiss Cottage. His involvement in the Leisure centre will help ensure a unified and coherent masterplan approach.

The artwork consists of various films (dichroic, translucent and luminous) applied to the glazing which will give a constantly changing facade as people move around the building and from day to night.

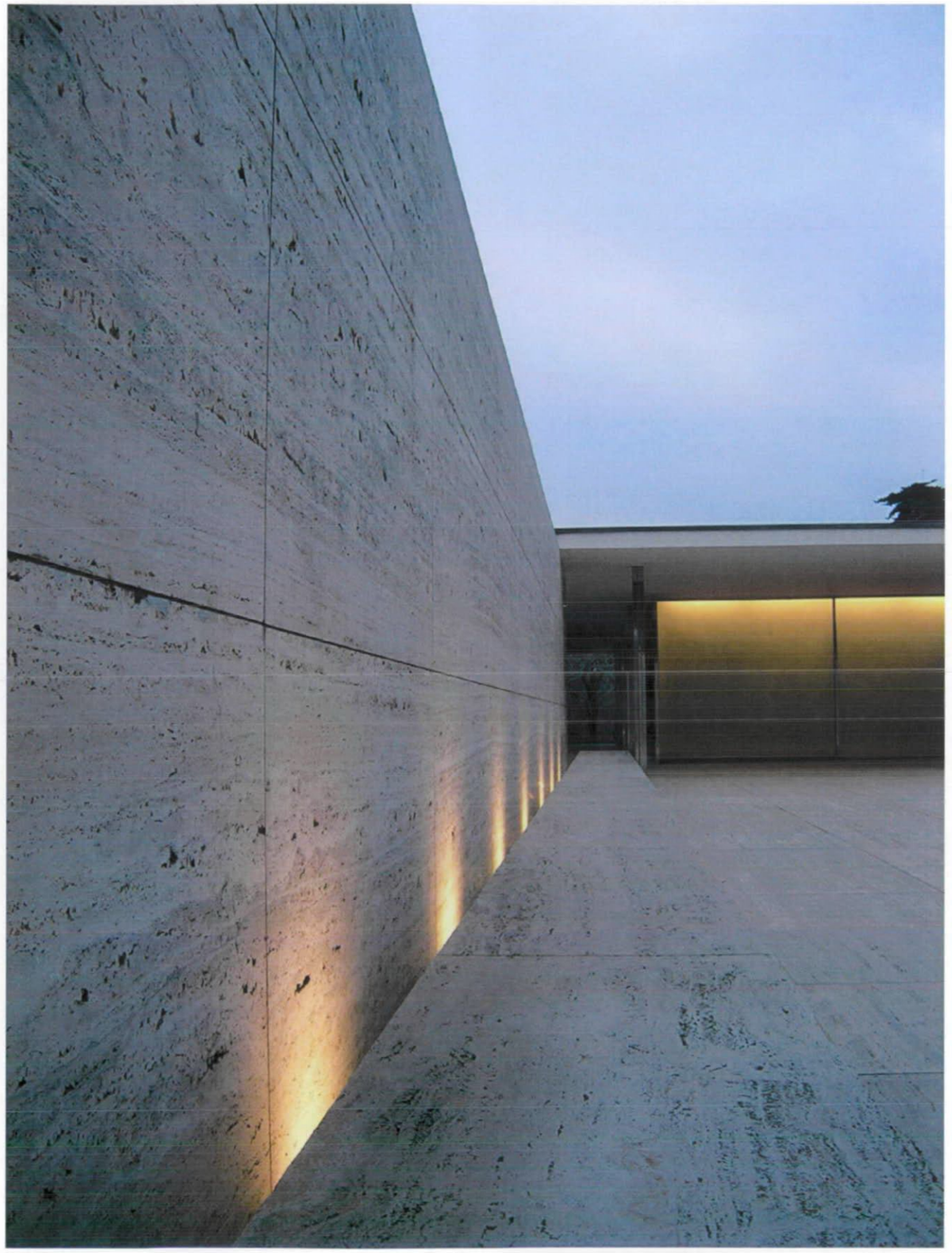
The organic and random pattern of the balls will give a dynamic joyous vitality to the building glazing contrasting with the rigorous orthogonal grid that provides the framework for the art.


Colour wash of Climbing Wall by Martin Richman

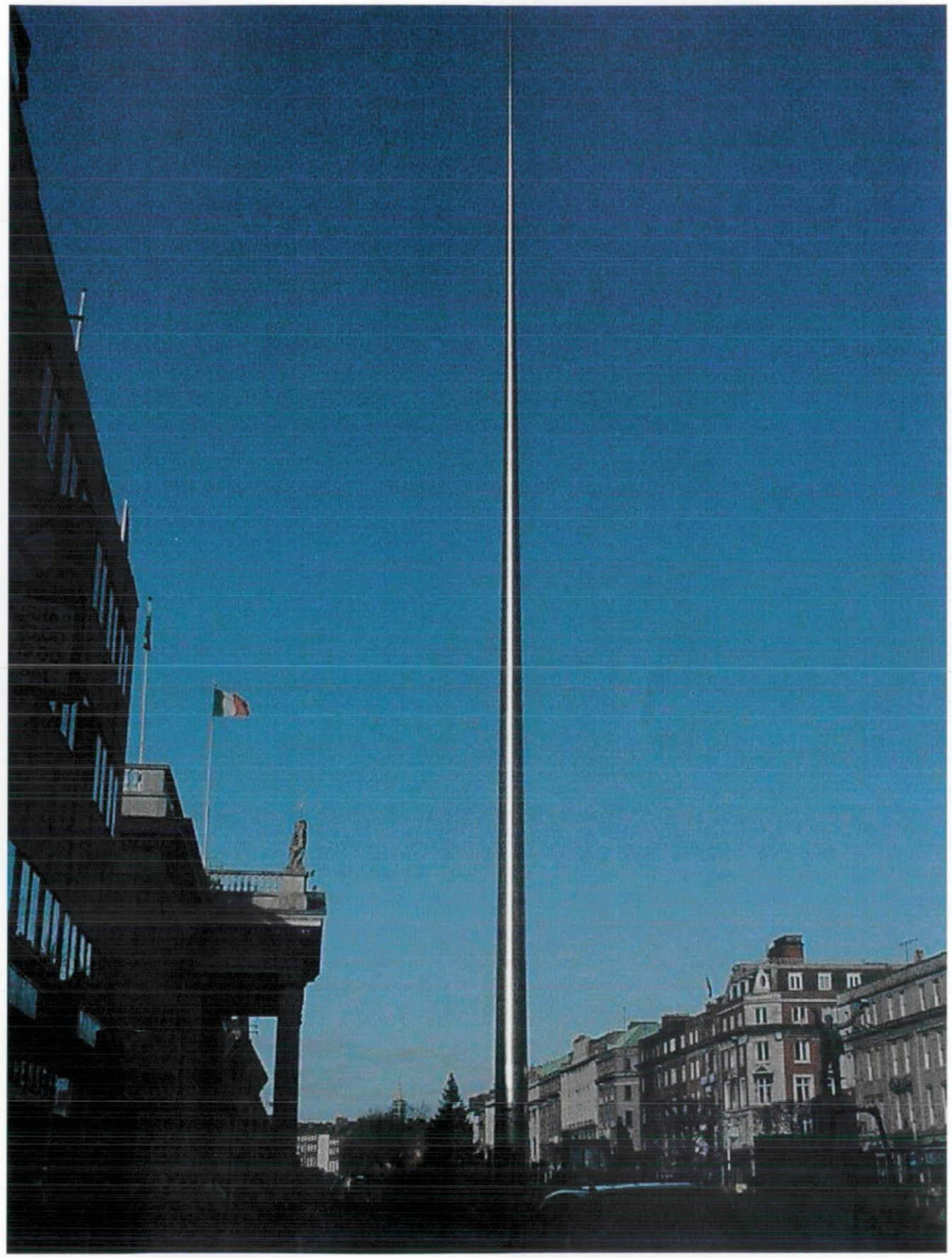
SWISS COTTAGE MASTERPLAN
ARTS STRATEGY

FARRELL PARTNERS

cross reference from **section 4.2.6**



cross reference from **section 4.3.1**

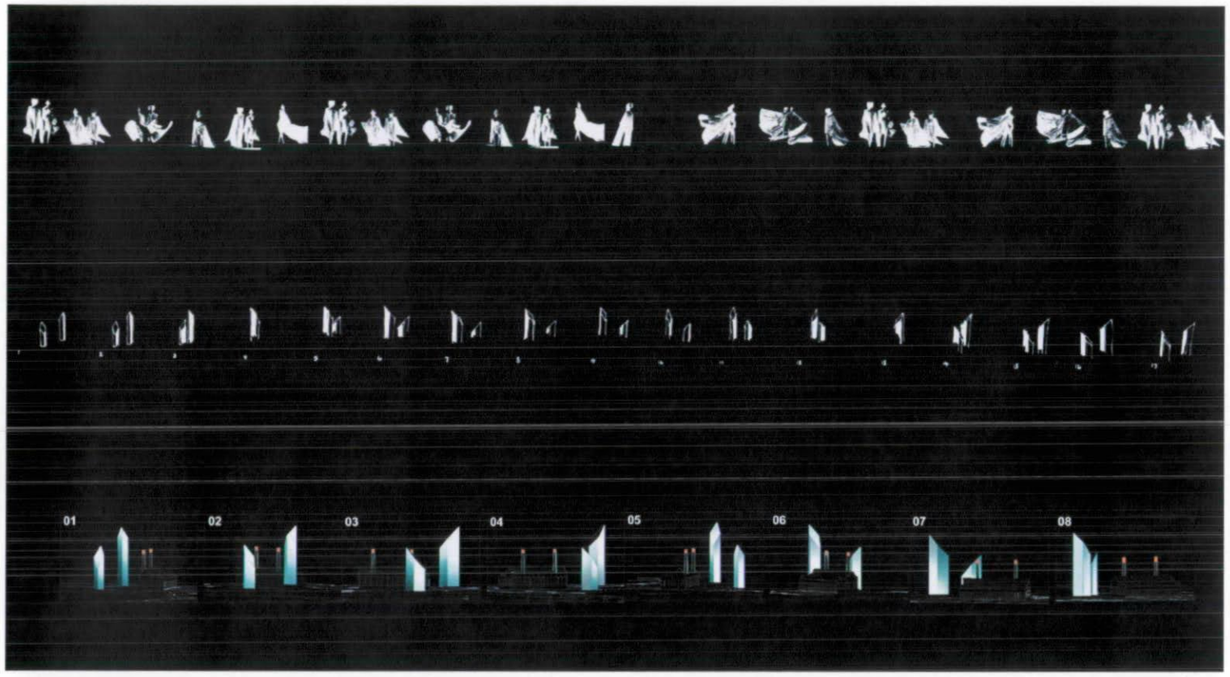


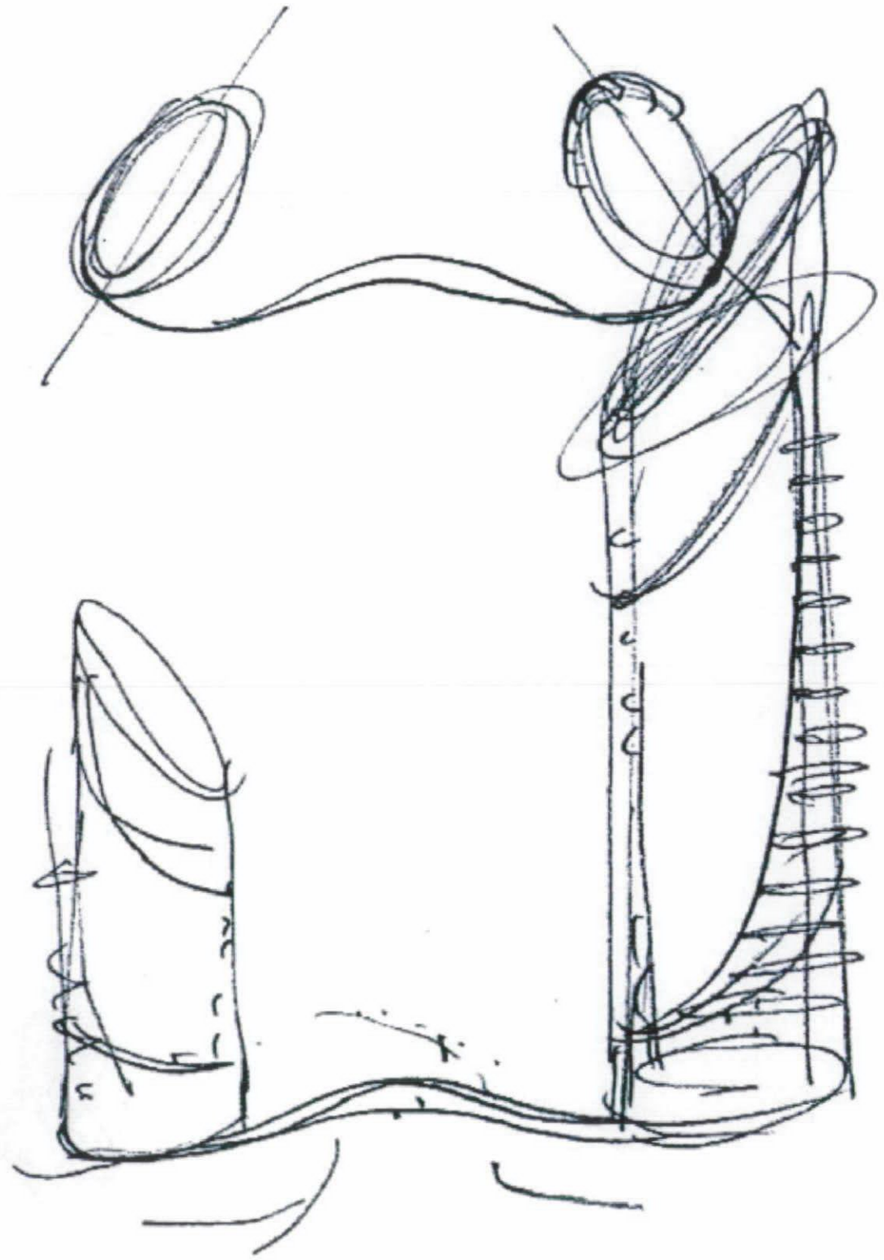
cross reference from **section 4.3.1**

Romeo & Juliet by Frank Lloyd Wright 4.3.3

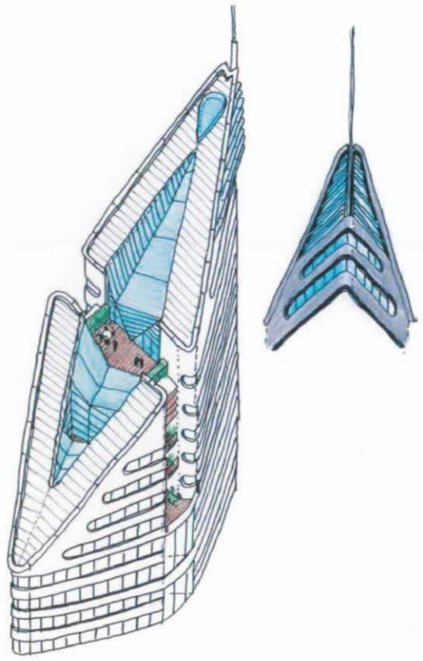


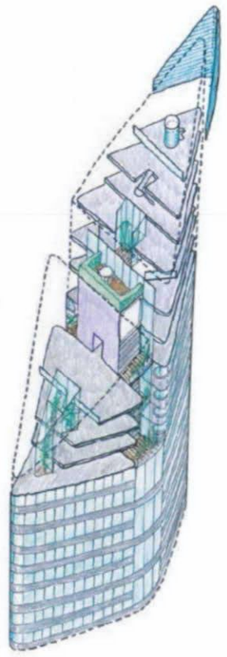
cross reference from **section 4.3.3-1**

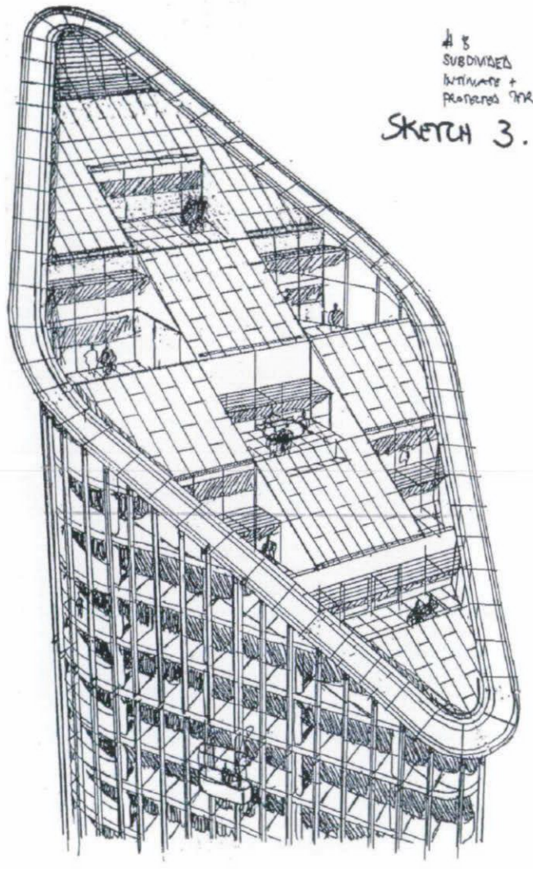


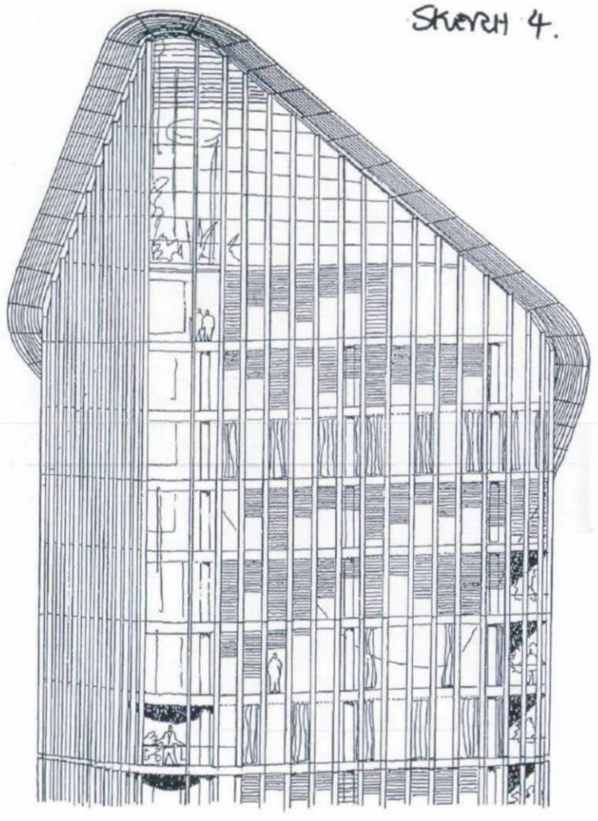


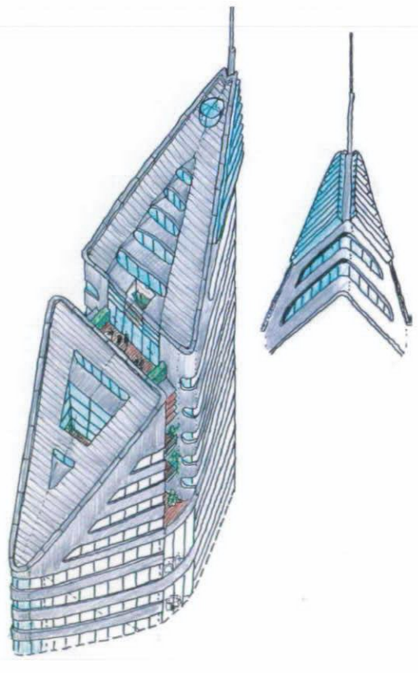
cross reference from **section 4.3.3**

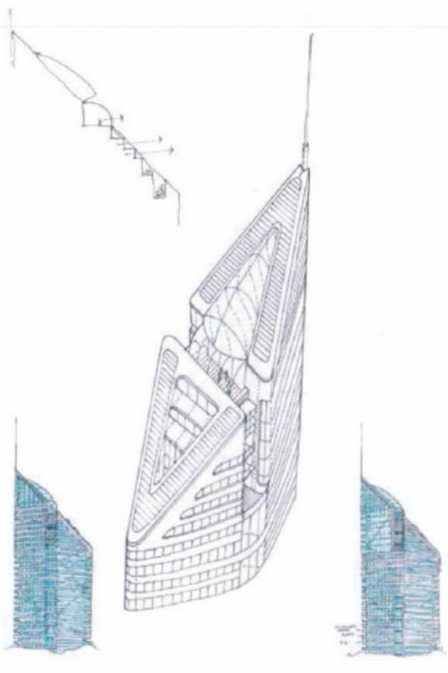












cross reference from **section 4.3.4**

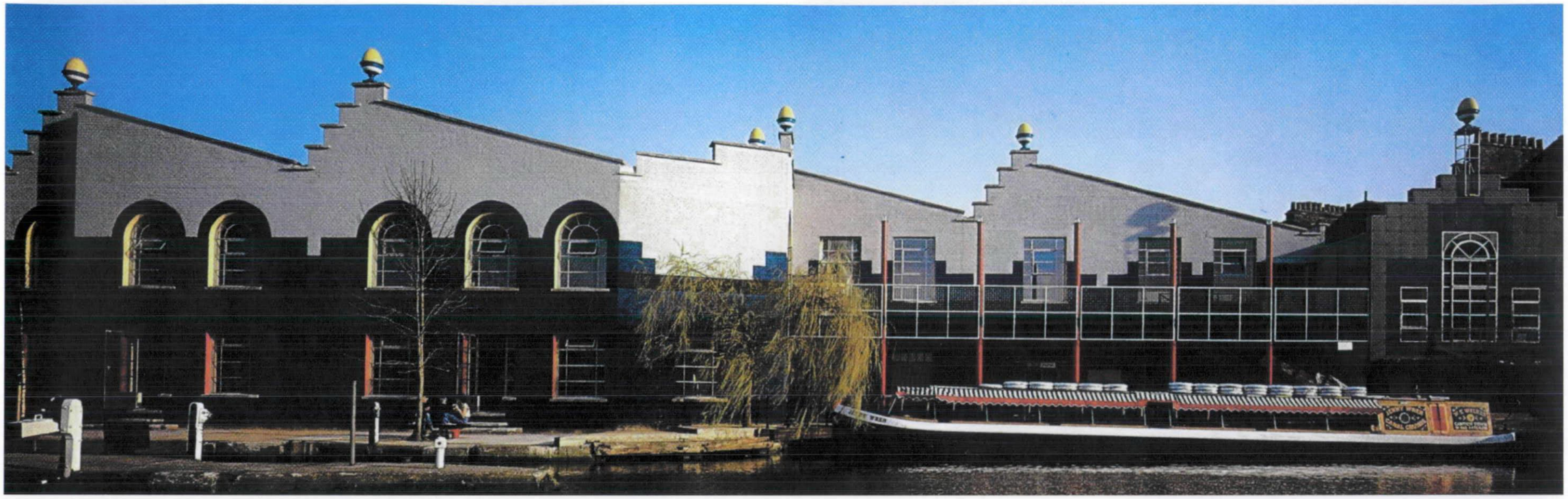




cross reference from **sections 4.2.6 & 4.3.7**

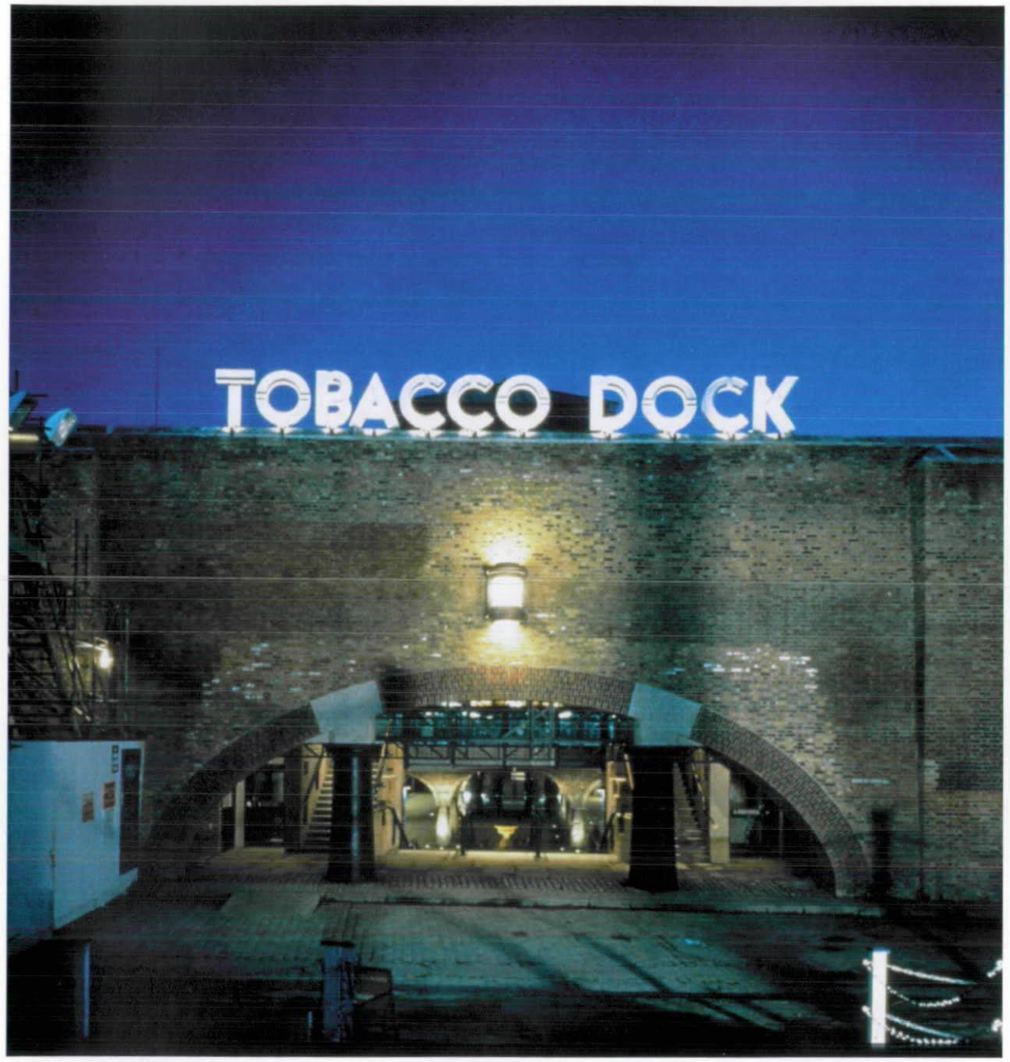
T.V.AM Breakfast Television Studios

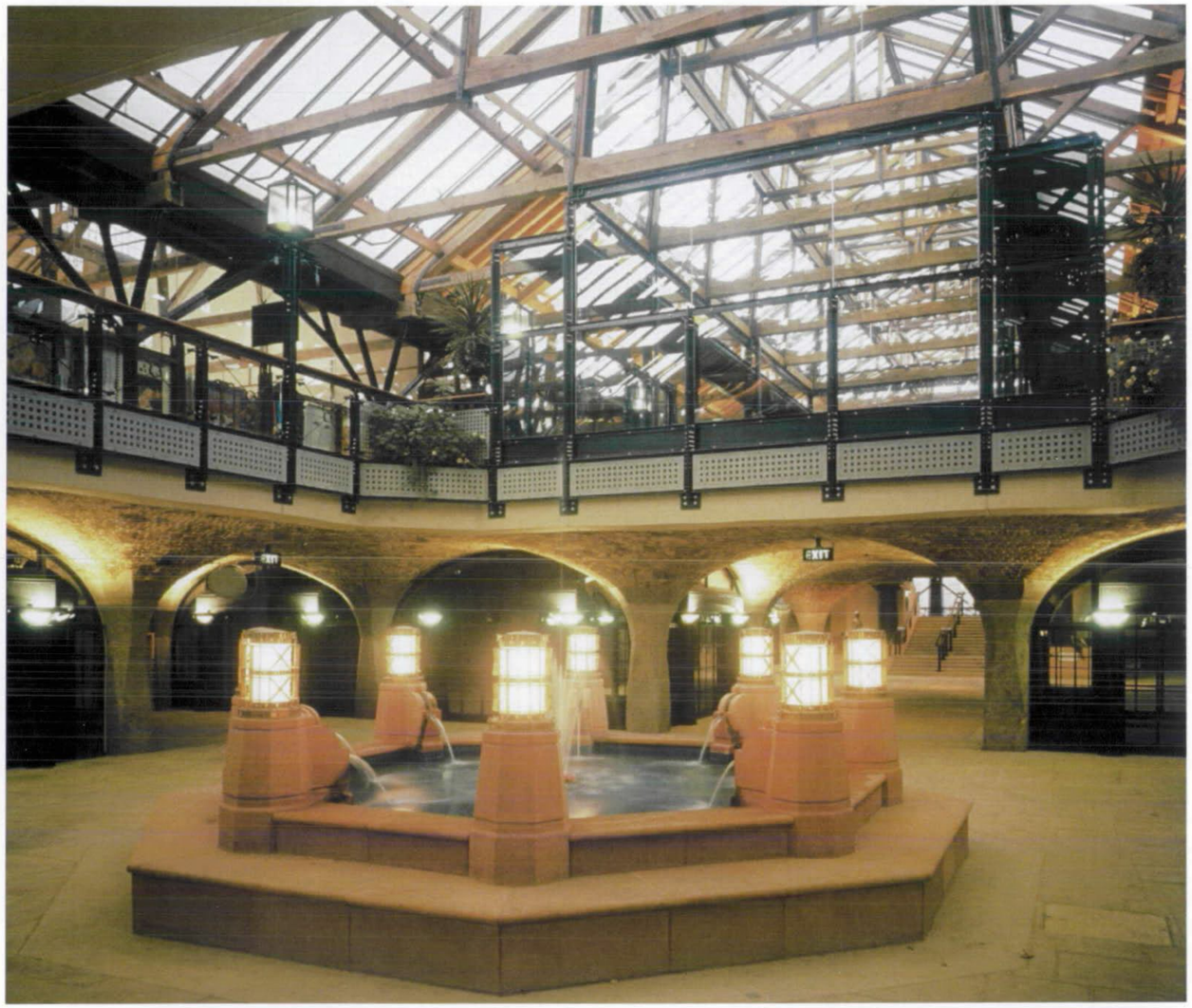
4.3.8



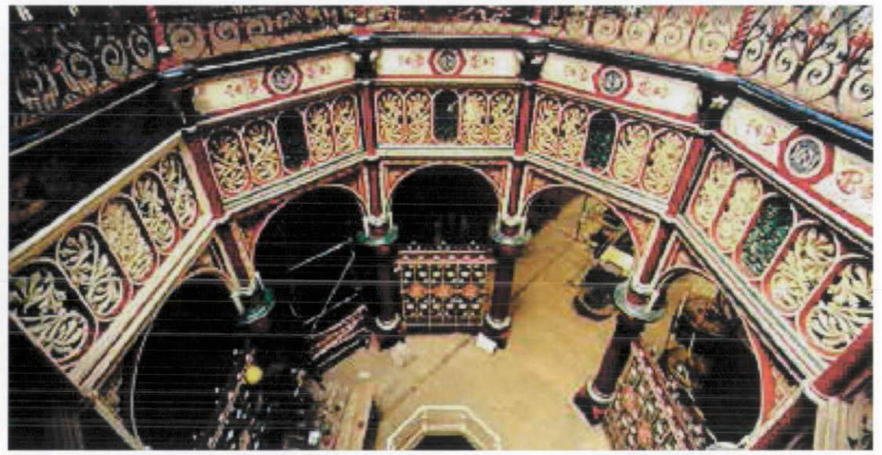


cross reference from **section 4.3.8**

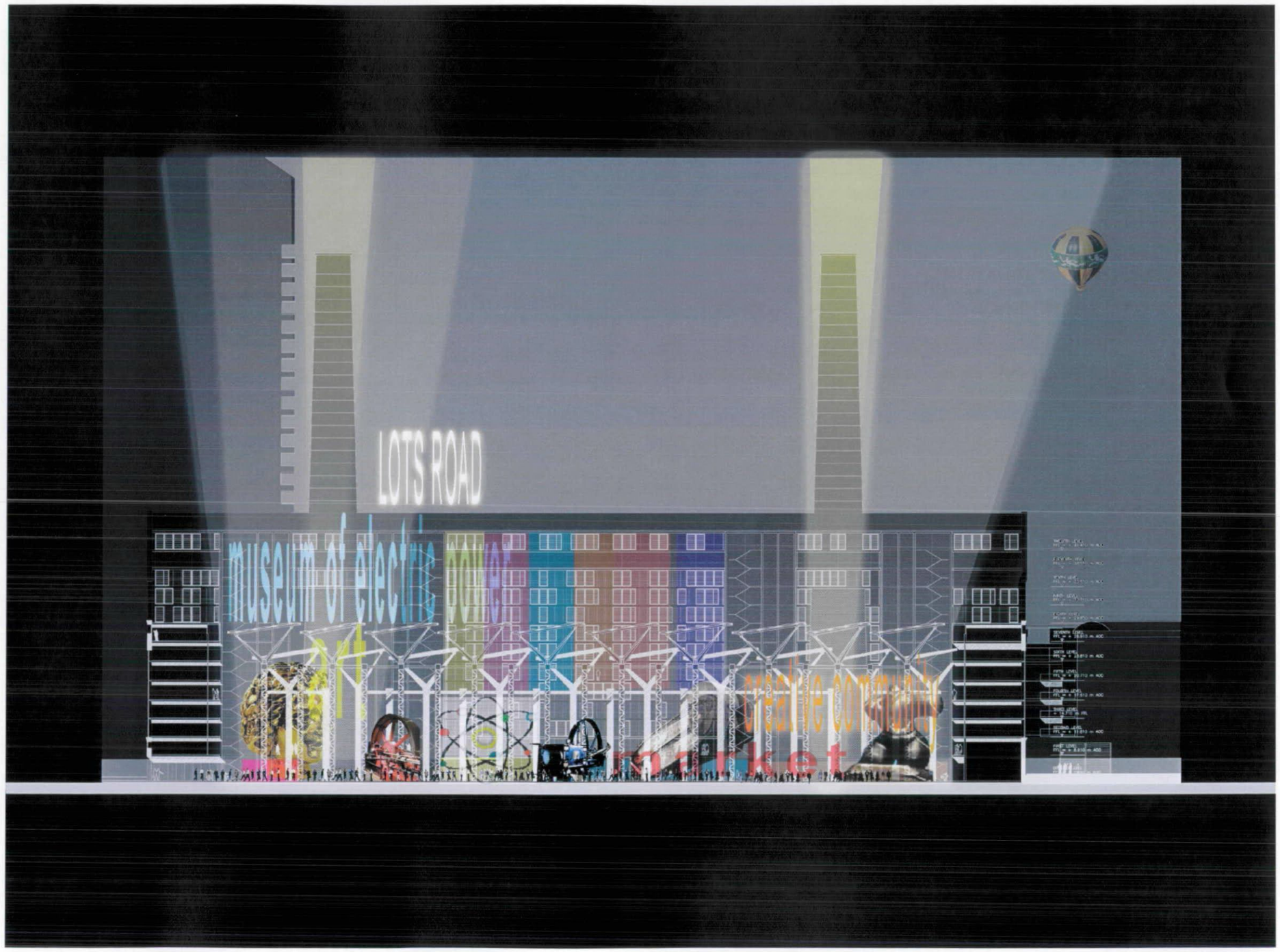




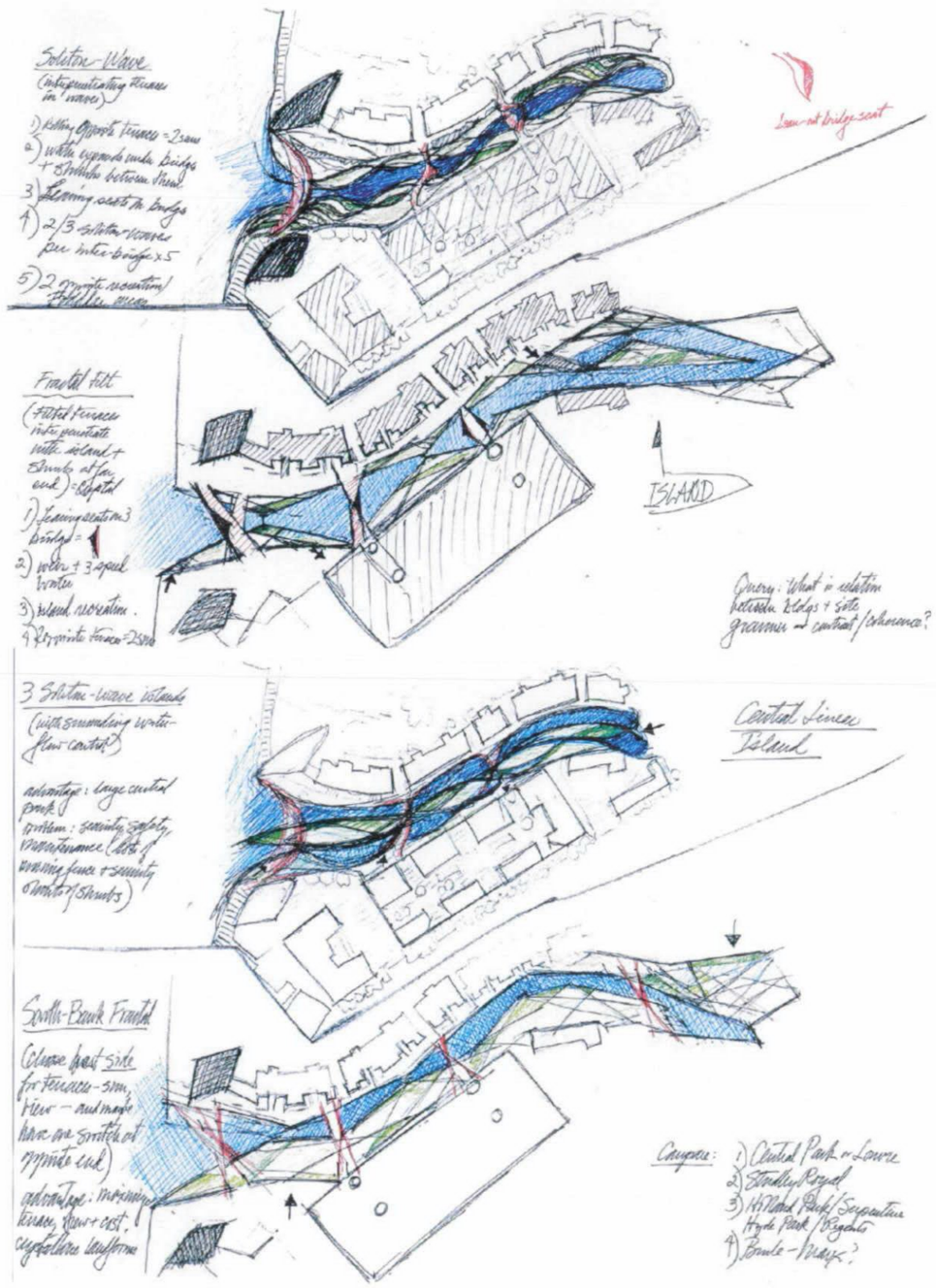
cross reference from **section 4.3.8**



cross reference from **section 4.3.9**

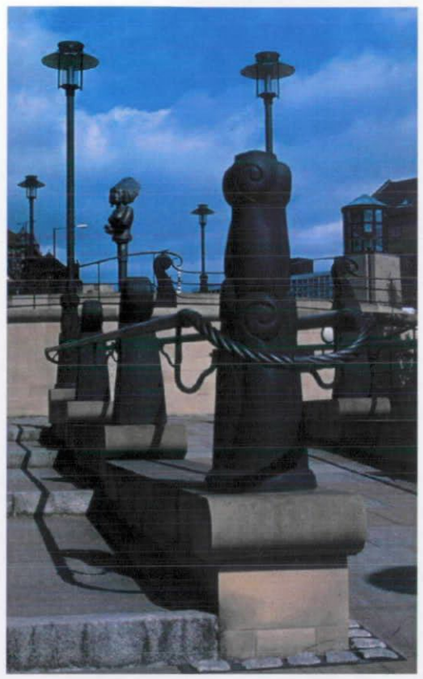


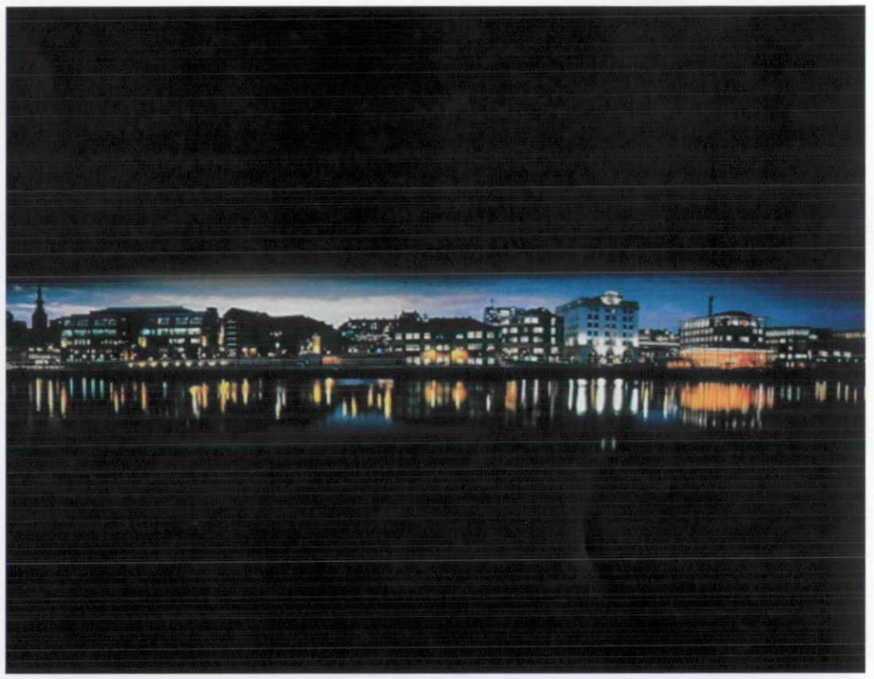
cross reference from **section 4.3.10**

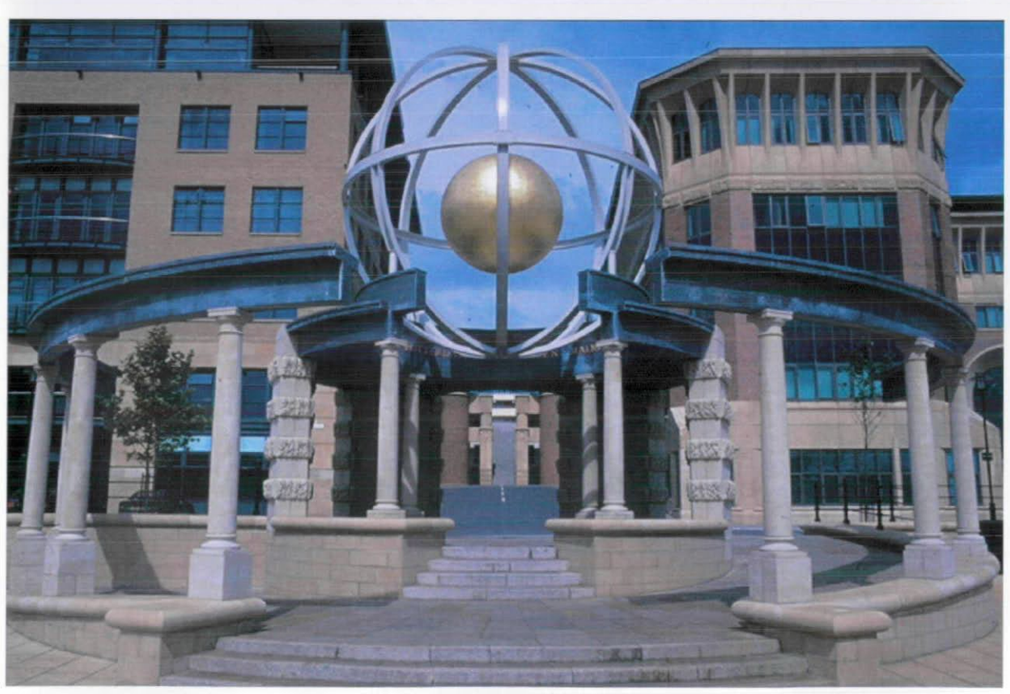


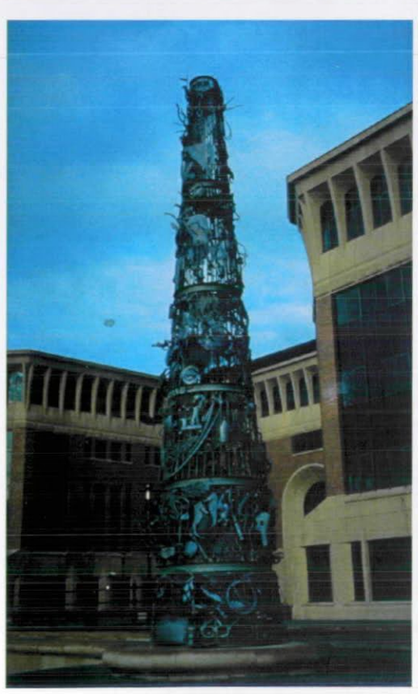
cross reference from **section 4.3.12**









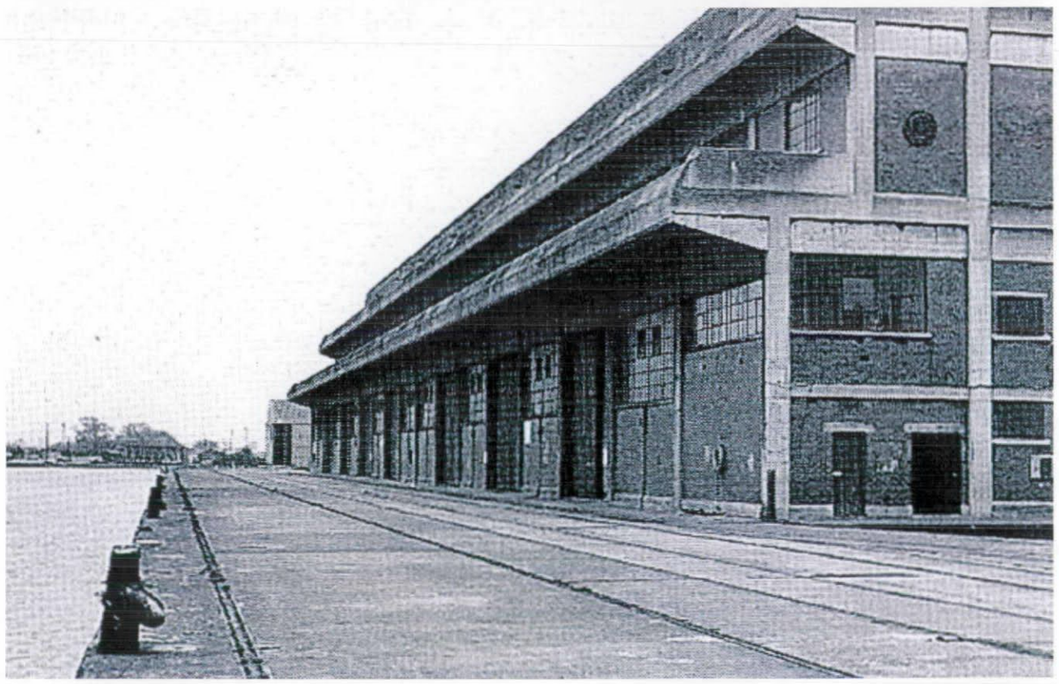




cross reference from **section 4.3.12**

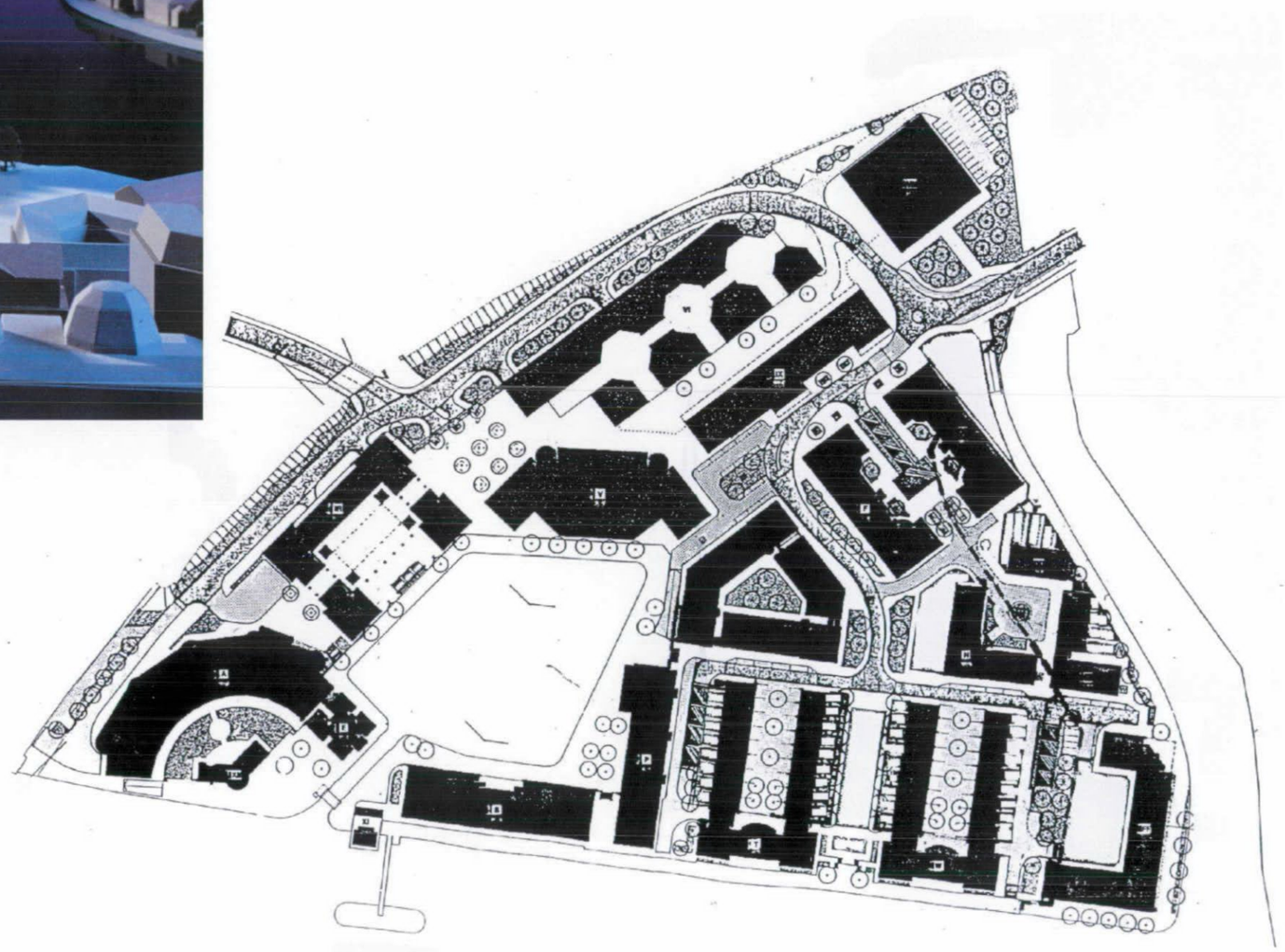




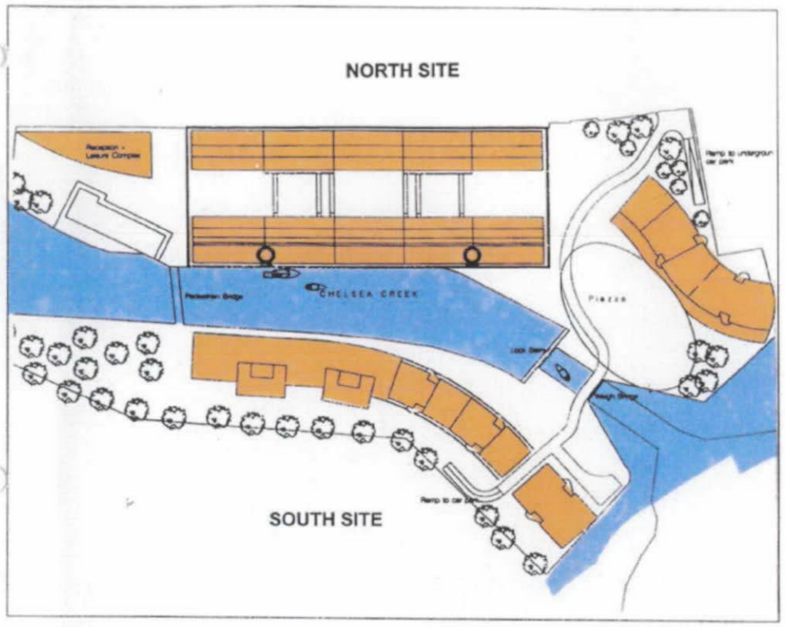


cross reference from **section 4.3.18**

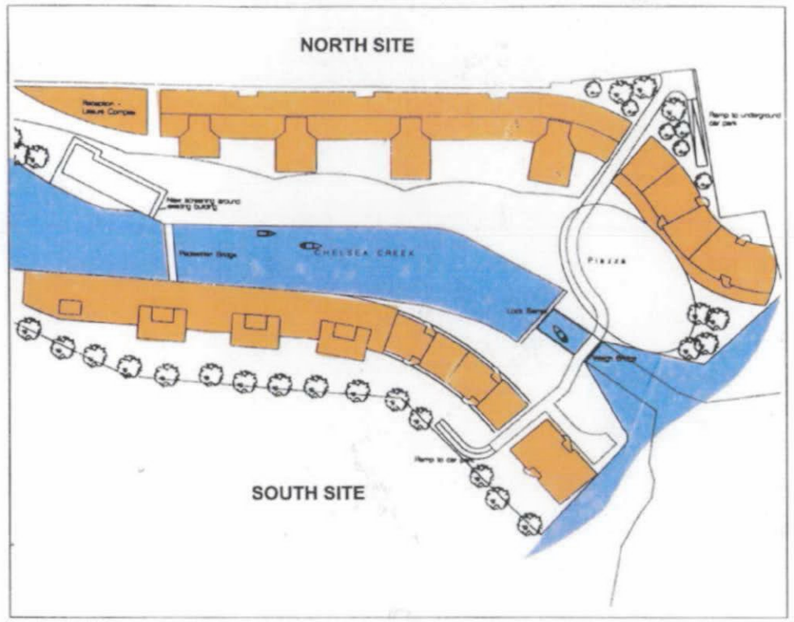




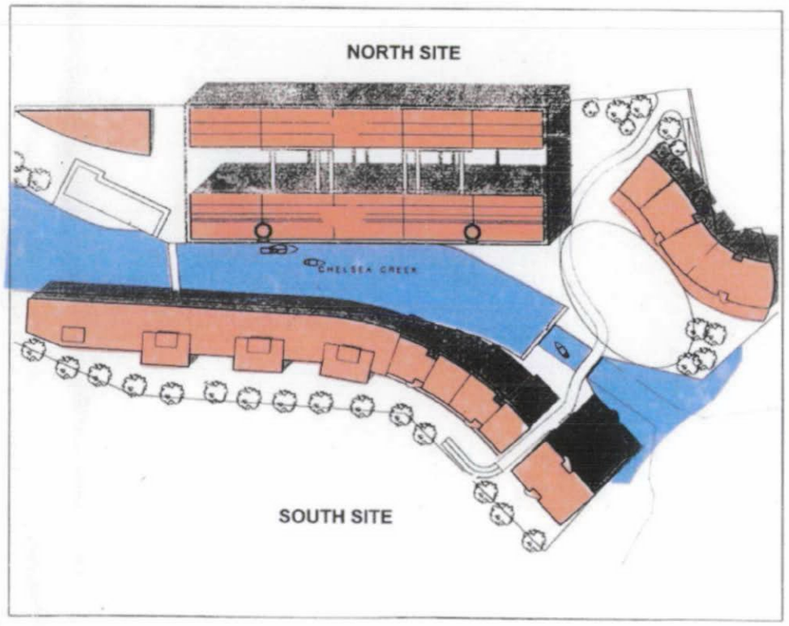
cross reference from **section 8.4**



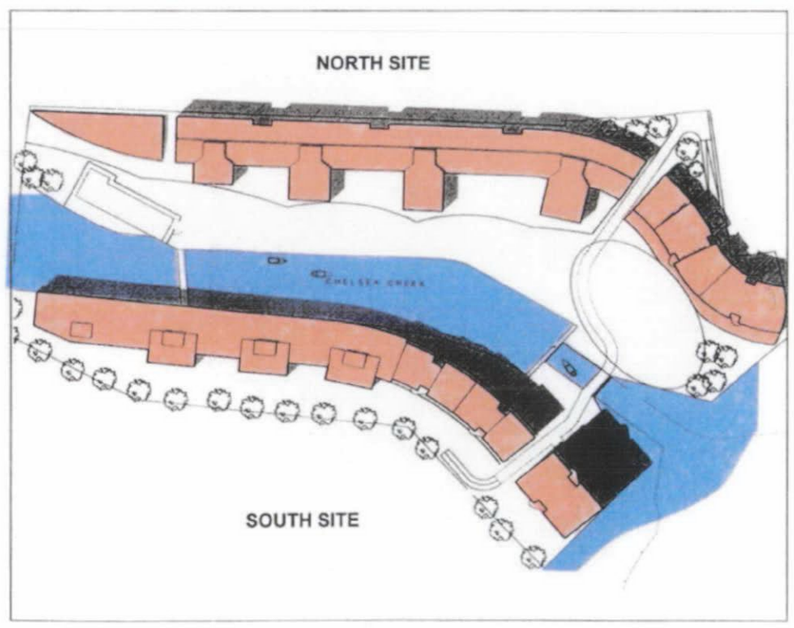
Option 1



Option 2



Option 3

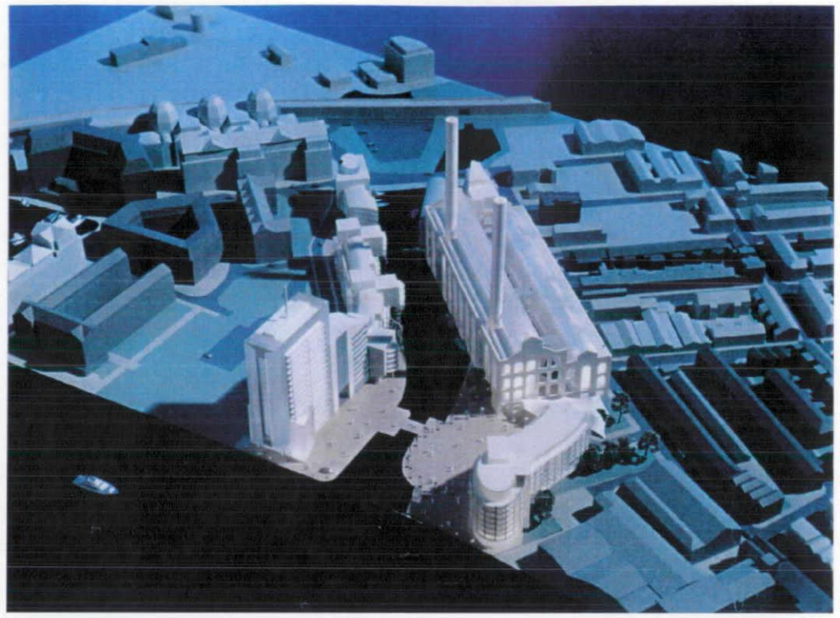


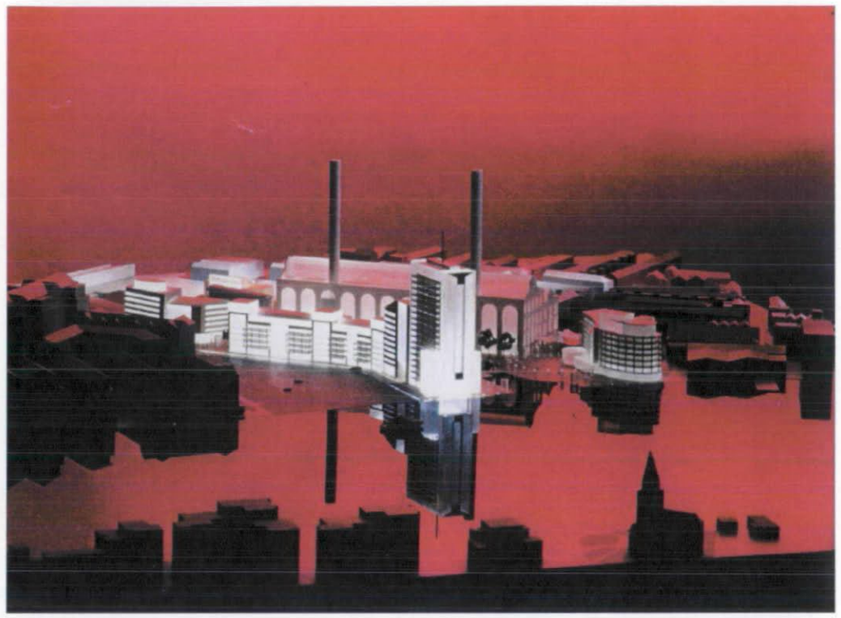
Option 4

CHELSEA CREEK PROPOSALS

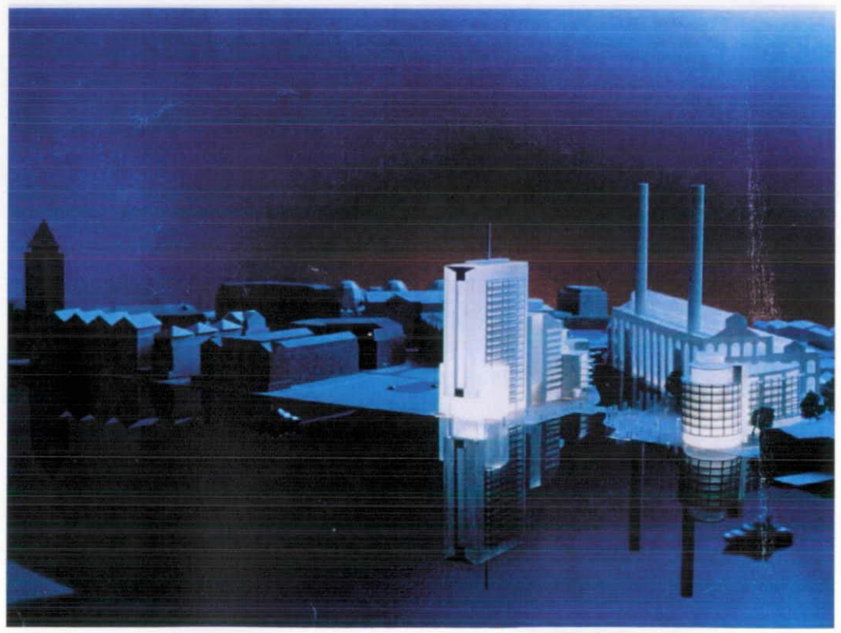
OPTIONS 1-4
INTRODUCTION TO DEVELOPMENT PROPOSALS

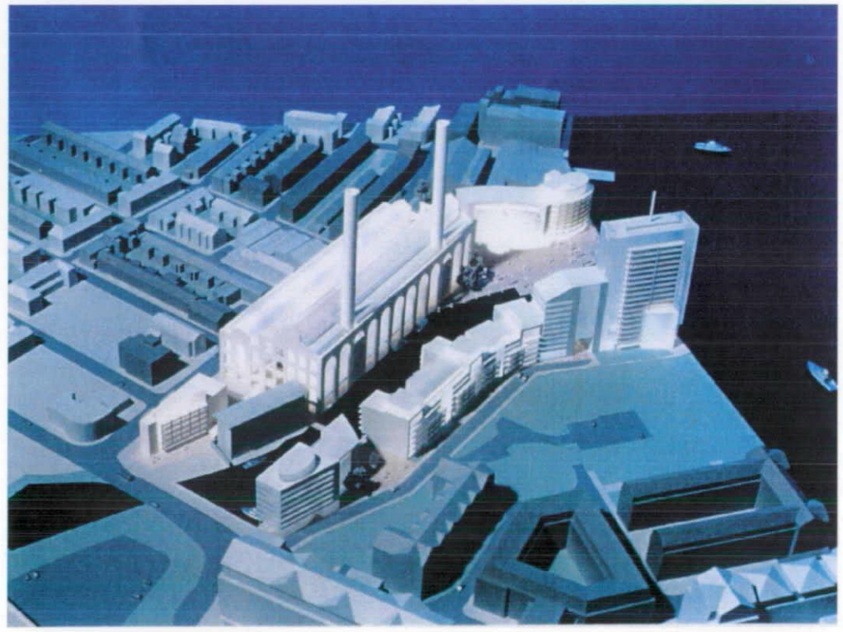
cross reference from **section 8.7**





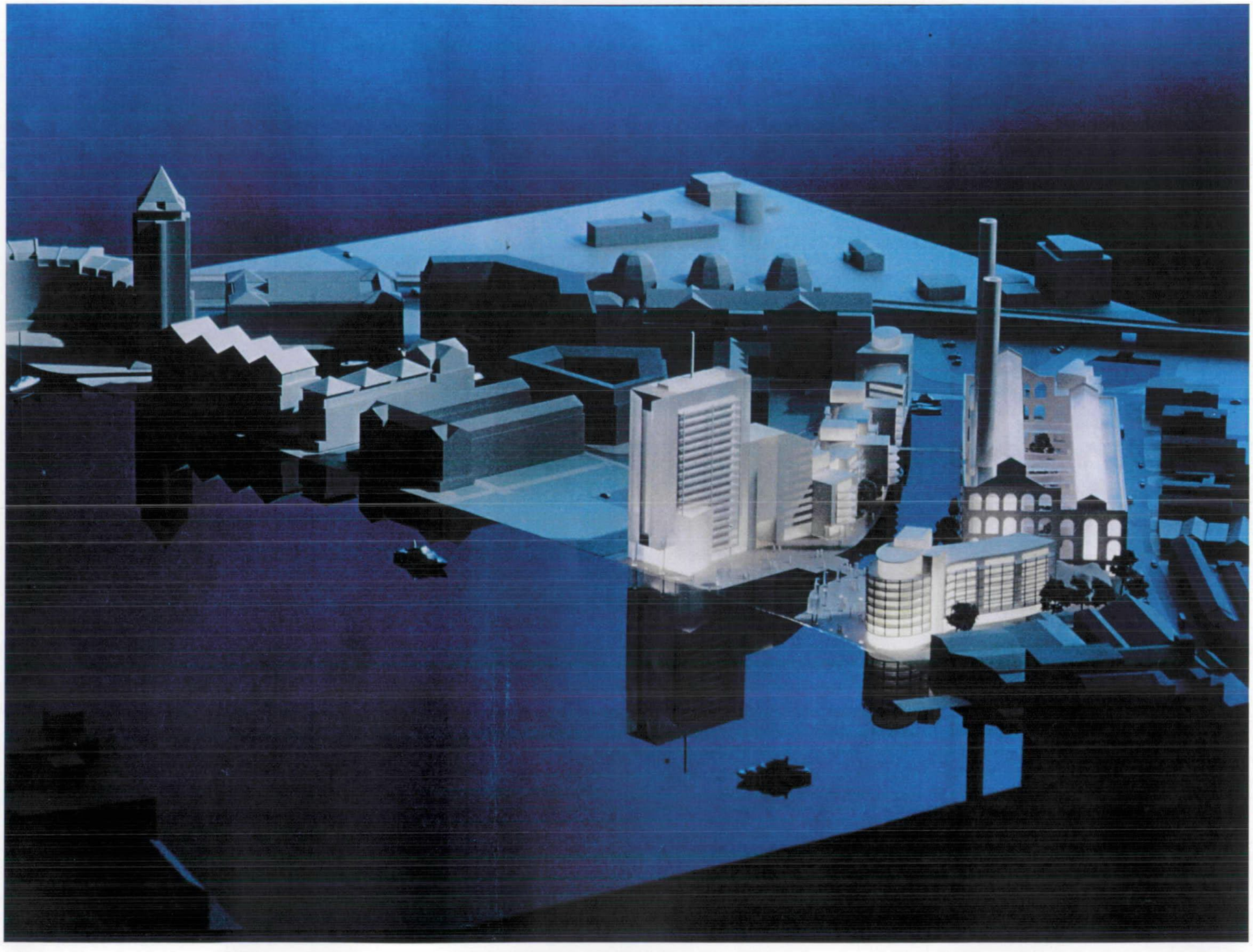
CHELSEA CREEK
MODEL PHOTOGRAPHS OPTION THREE



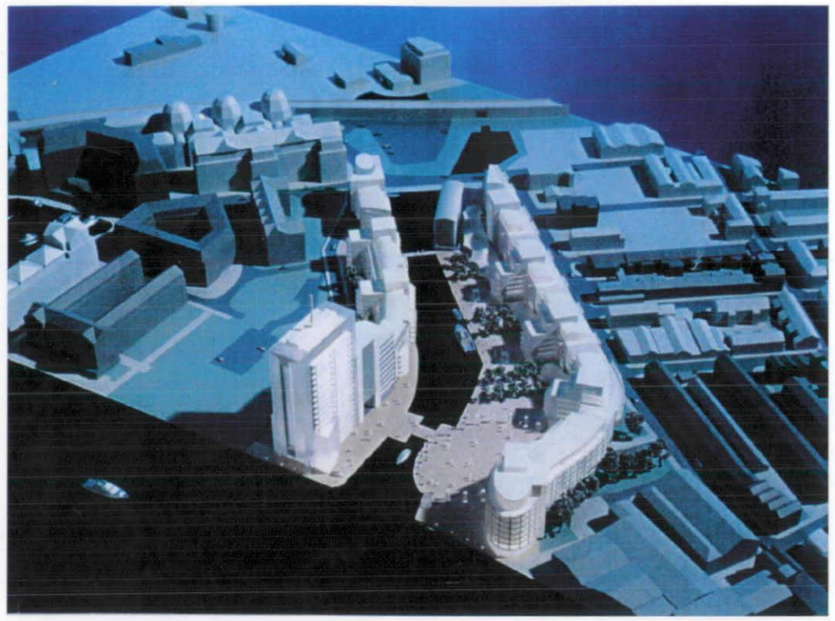


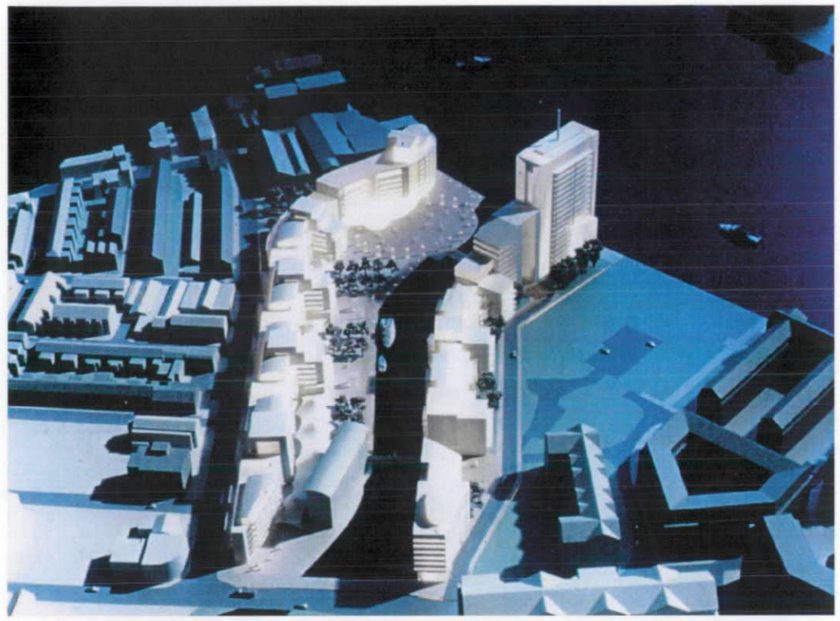
cross reference from **section 8.9**

CHELSEA CREEK
MODEL PHOTOGRAPHS OPTION THREE

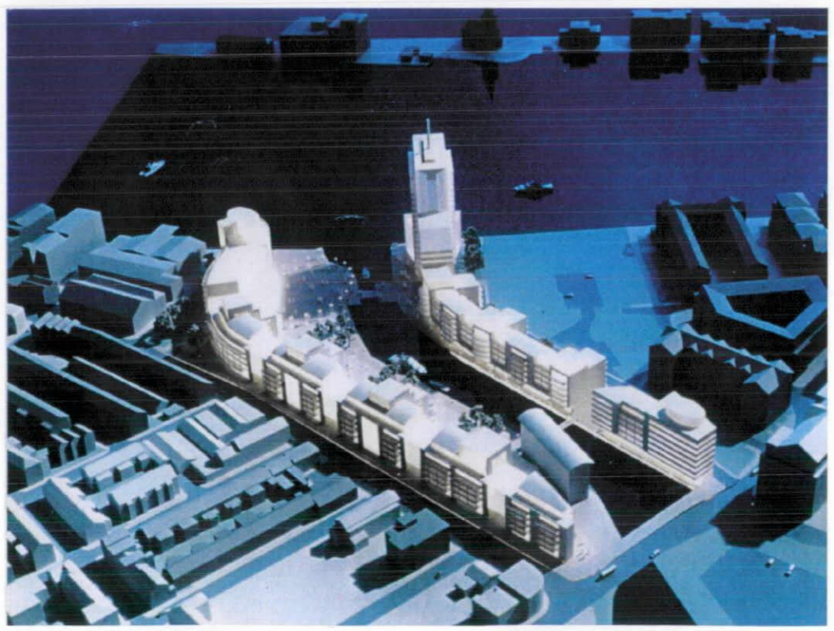


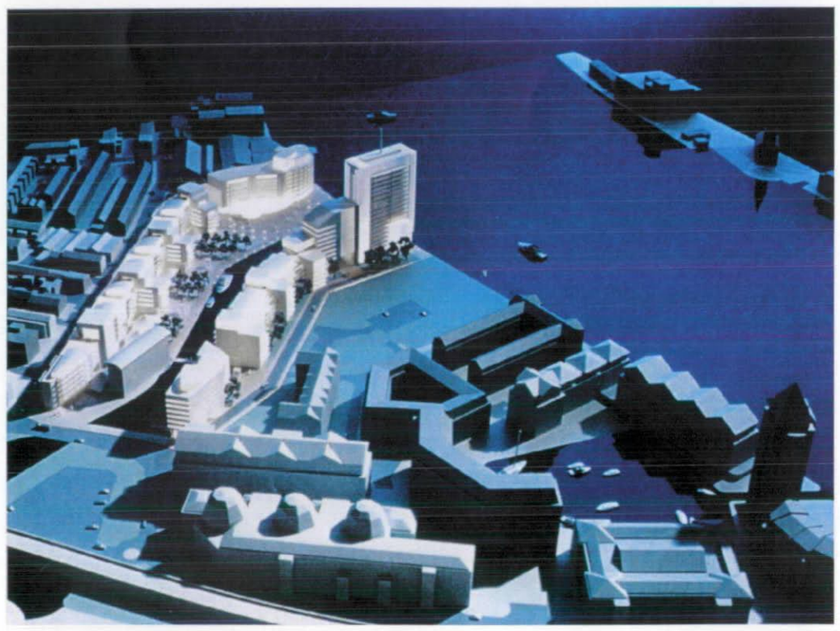
cross reference from **section 8.10**



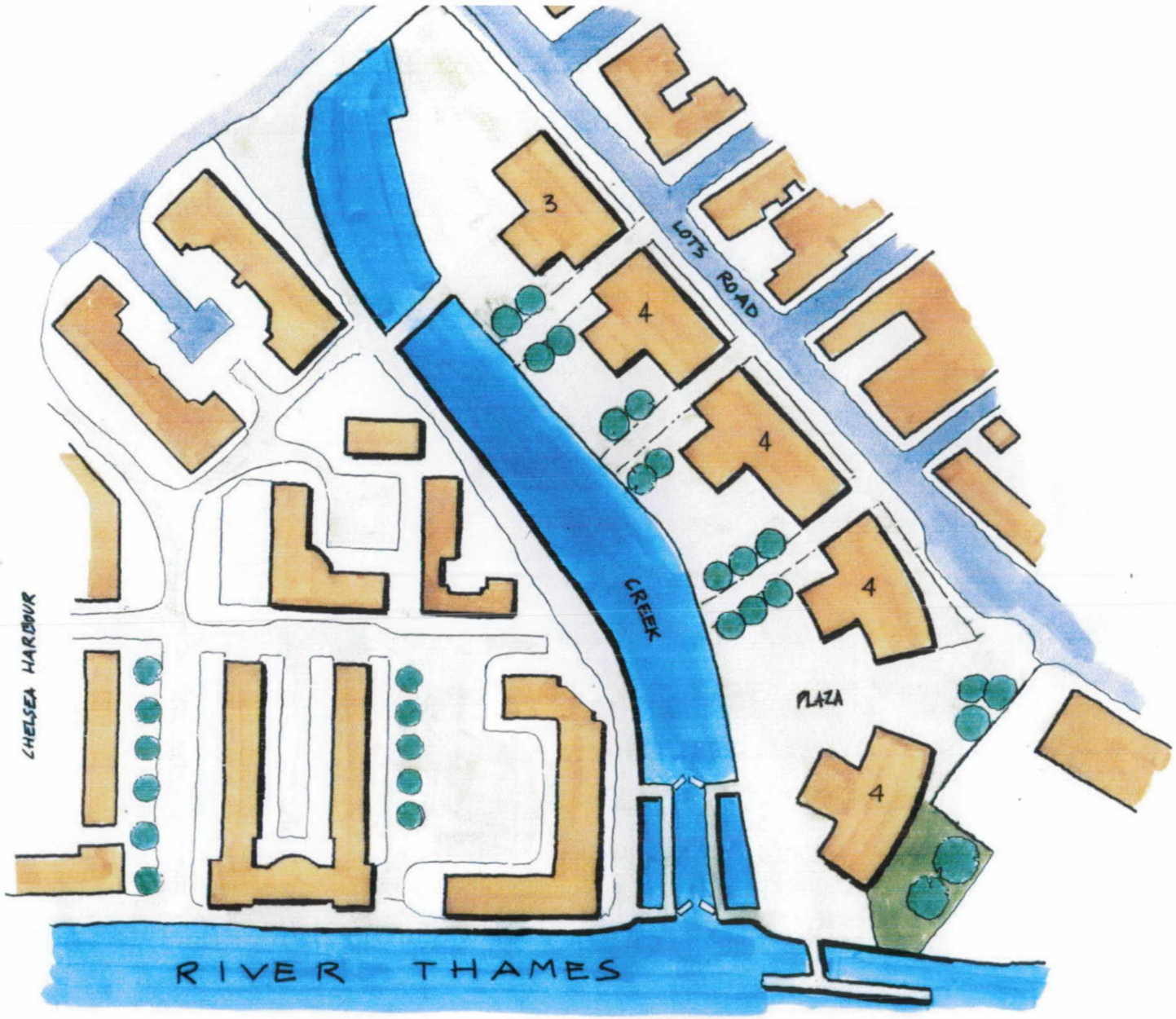


CHELSEA CREEK
MODEL PHOTOGRAPHS OPTION FOUR





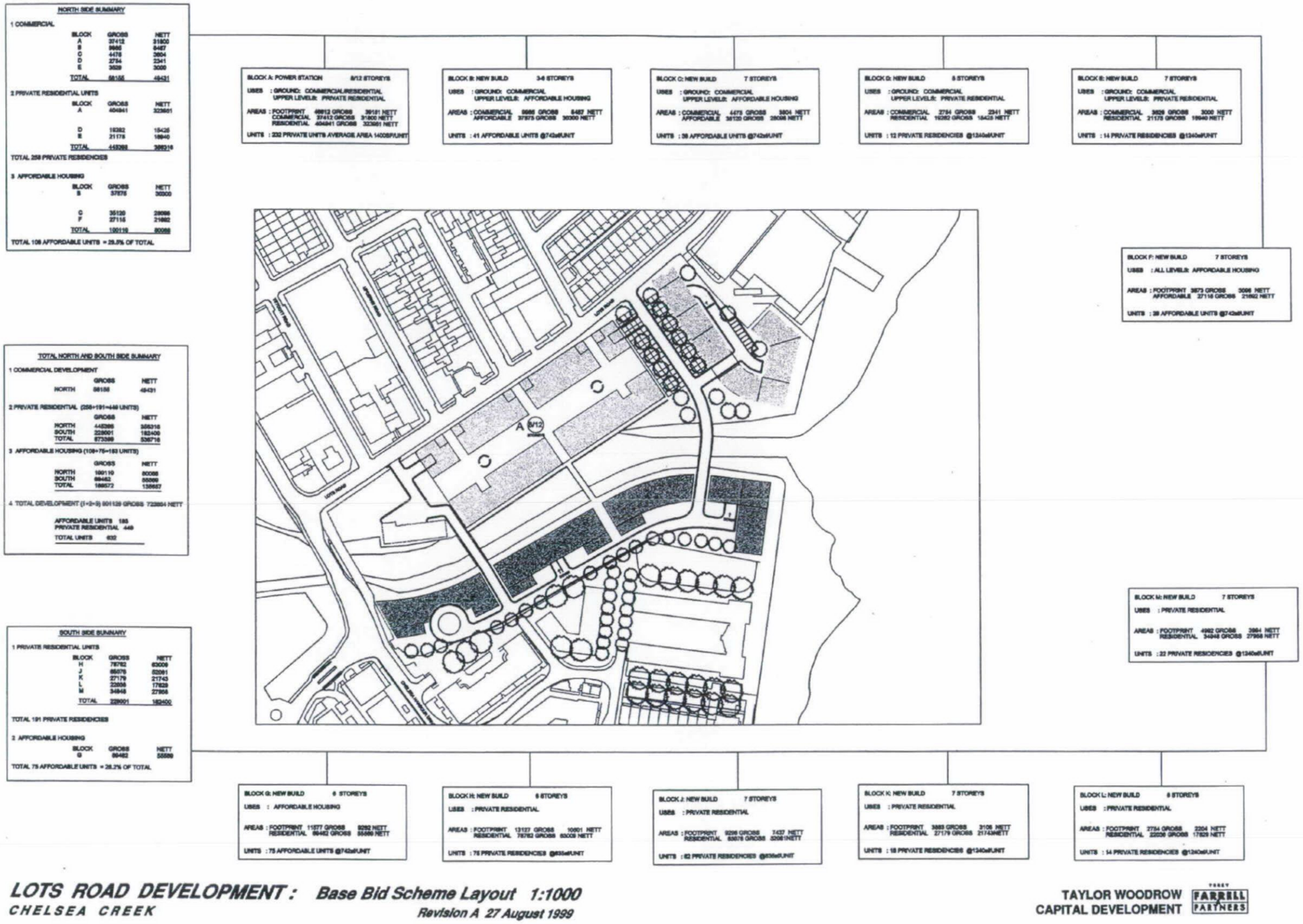
cross reference from **section 8.10**



cross reference from **section 8.13**



cross reference from **section 8.15**



LOTS ROAD DEVELOPMENT : ***Base Bid Scheme Layout 1:1000***
CHELSEA CREEK ***Revision A 27 August 1999***

TAYLOR WOODROW CAPITAL DEVELOPMENT TOWNEY FARRELL & PARTNERS

cross reference from **section 8.16**



LOTS ROAD POWER STATION
GROUND FLOOR PLAN

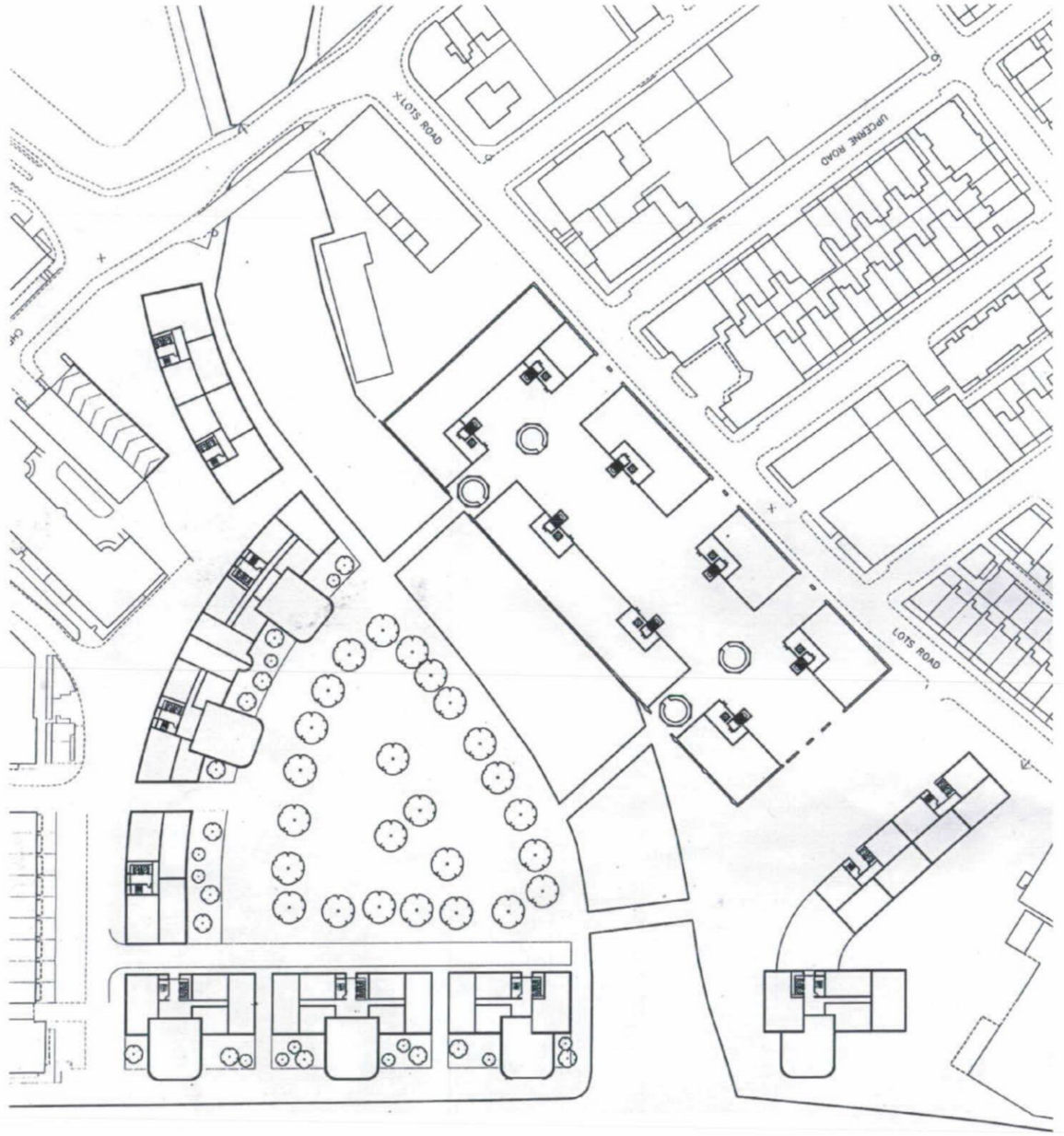
LRTW / SK / 062
OPTION D 1:1000

cross reference from **section 8.17**



LOTS ROAD POWER STATION
GROUND FLOOR PLAN

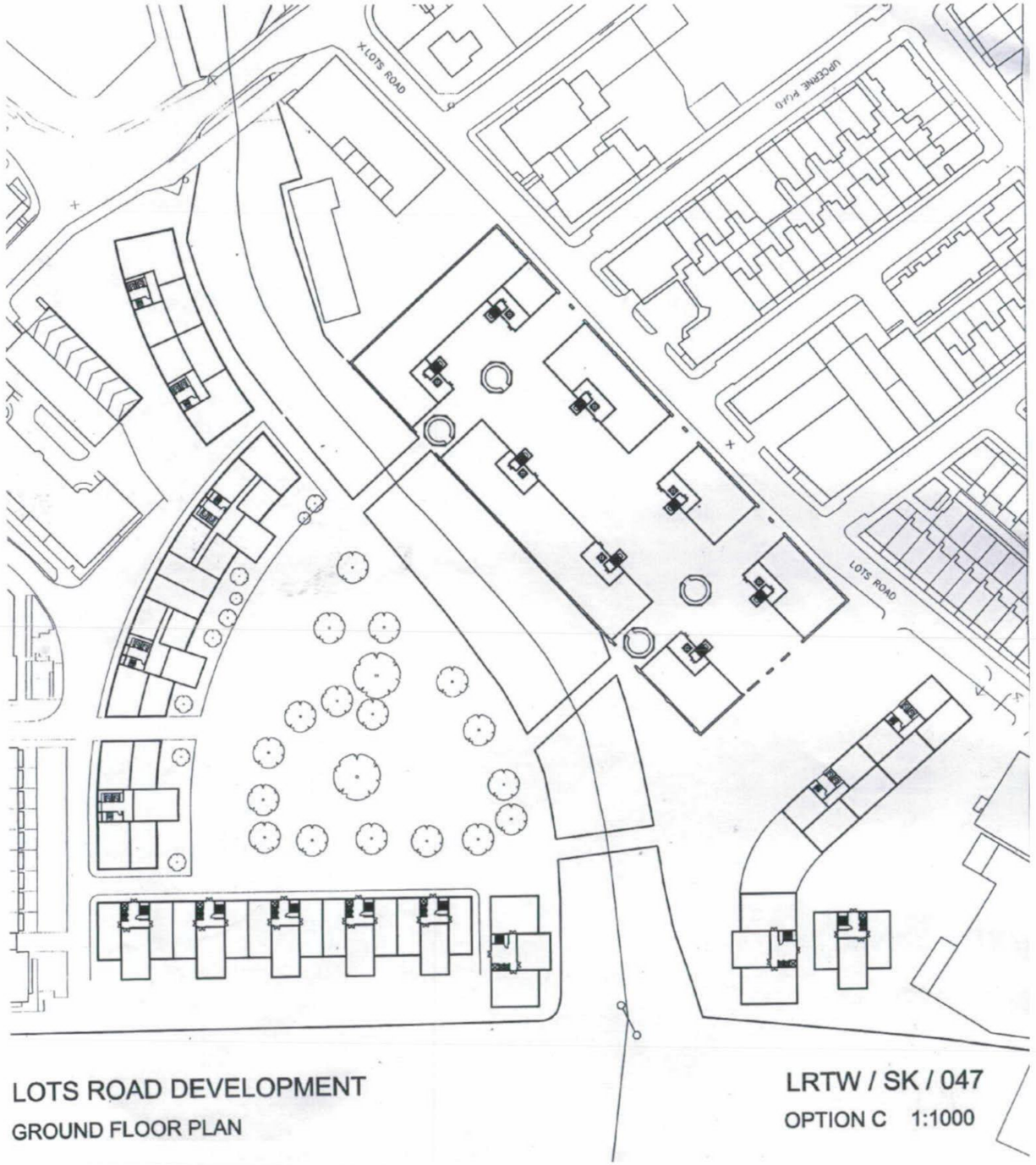
LRTW / SK / 037
OPTION A 1:1000



LOTS ROAD POWER STATION
GROUND FLOOR PLAN

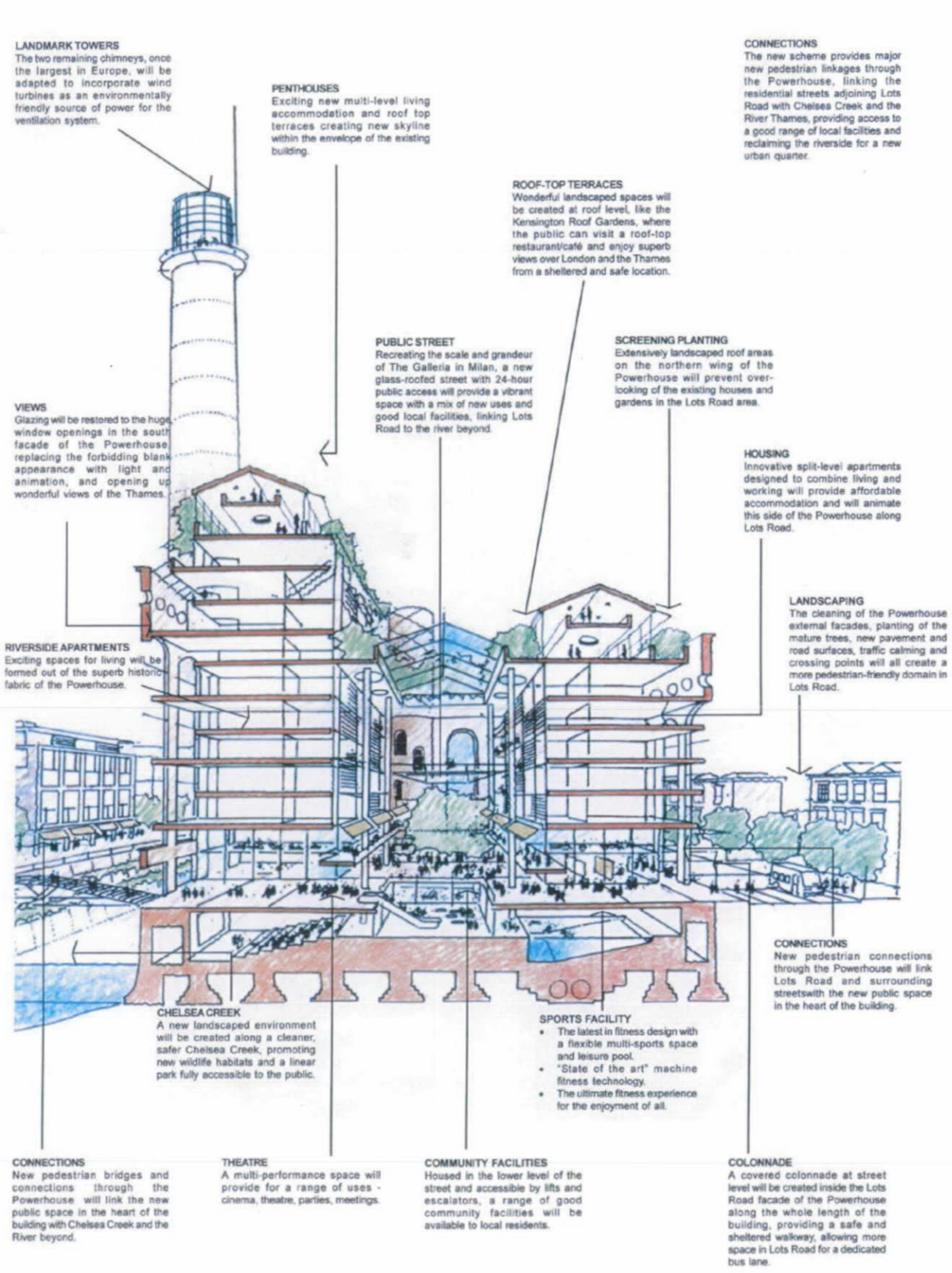
LRTW / SK / 042
OPTION B 1:1000

cross reference from **section 8.18**



cross reference from **section 8.18**

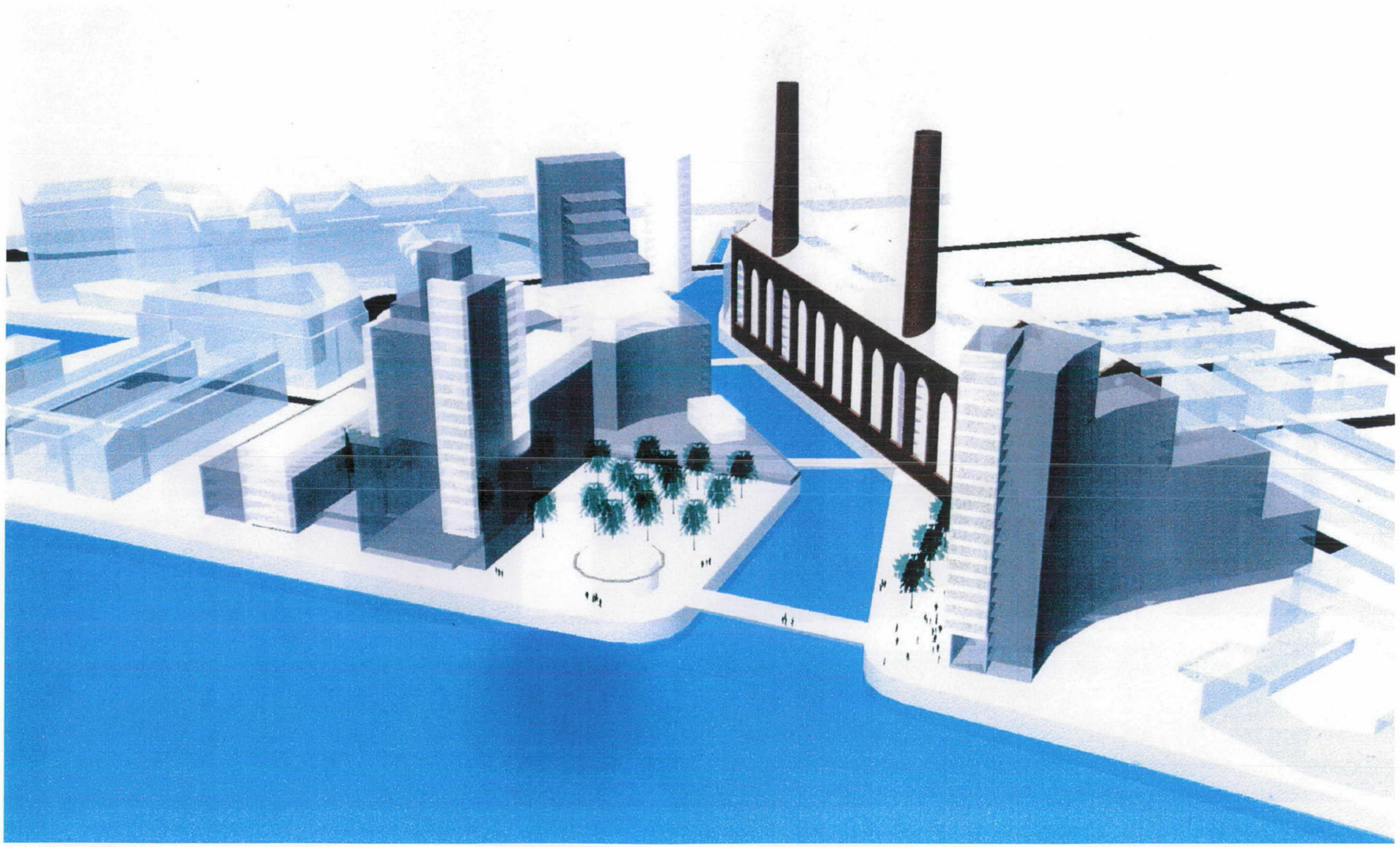




cross reference from **section 8.20**



cross reference from **section 8.20**



cross reference from **section 8.20**



cross reference from **section 8.20**

UPCERNE ROAD

TETCOTT ROAD

LOTS ROAD

LOTS ROAD

CHELSEA HARBOUR DRIVE

0 5 10 15 25 50

Key

Intensive green roof

Athyrium felix femina
Chamaemelum speciosa
Chamaemelum nobile
Cornus stolonifera
Epimedium x rubrum
Erithergilla major
Hebe x franciscana
Hippophae rhamnoides
Hypericum calycinum
Lavandula angustifolia
Lonicera x americana
L. pileata
Myrtus tarentina
Ophiopogon jaburan
Rosa flora caerulea
Pennisetum orientale
Polystichum setiferm
Rosmarinus officinalis
Salvia sp
Salix cinerea
Trachelospermum jasminoides

Extensive green roof

Alyssum montanum
A. saxatile
Blackstonia perfoliata
Cruciatum tomentosum
Hieracium pilosella
Thymus drucol

EX CIR | HCC | TF | PRC | AD | CLLR | AO EX

R.B. K.C. - 8 NOV 2004 PLANNING

N | C | SSA | SE | DES | D | PRO

HES | | | SRE | TA | ES | FES

C	23.09.04	Minor amendments in line with latest architects drawings
B	15.09.04	Paper size changed to A1, scale changed to 1:500 Minor amendments according to latest architects drawings and Red Line
A	February 2003	Alterations to landscape layout

RANDLE SIDDELEY associates

2 Palmerston Court
Palmerston Way
London SW8 4AJ
Telephone: 020 7627 7272
Facsimile: 020 7627 7273
E-mail: office@randlesiddeley.co.uk

Client: Circadian

Project: Lots Road

Drawing: Landscape Roof Plan

Scale: 1:500@A1	Job No: 589	
Date: Dec 2002	Drawn: RSA	Checked:

Do not scale from drawing
Contractors must verify all dimensions on site before commencing any work or shop drawings
Figured dimensions are to be taken in preference to scaled dimensions
If this drawing exceeds the quantities taken in any way the architects are to be informed before work is initiated

© Randle Siddeley Associates

Drawing No: 589/02 | Revision No: D

BLOCK HF3-A

BLOCK HF3-B

BLOCK HF3-C

BLOCK HF2

BLOCK HF1

BLOCK HF4

BLOCK HF5

R.B.K.C. - 8 NOV 2004

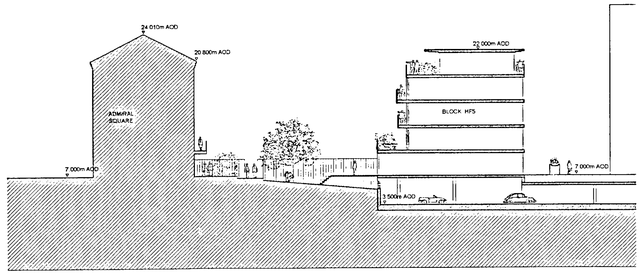
LOTS ROAD POWERSTATION AND LAND AT THAMES AVENUE DEVELOPMENT

PLAN: HF ROOF
OCTOBER 2004

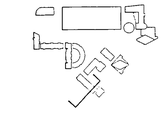
CIRCADIAN Ltd.

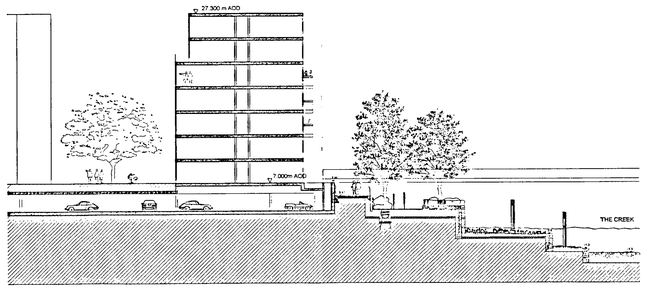
SCALE 1/250@ A0
LRTW-4/PA/06-033-F

TERRY FARRELL & PARTNERS

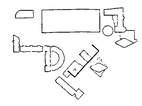


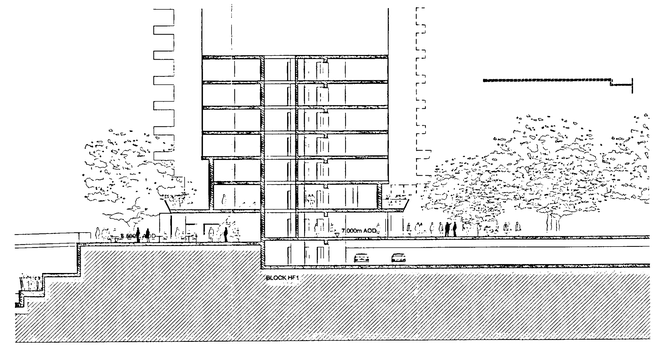
SECTION/ELEVATION A-A BLOCK HF5



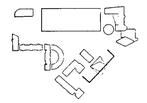


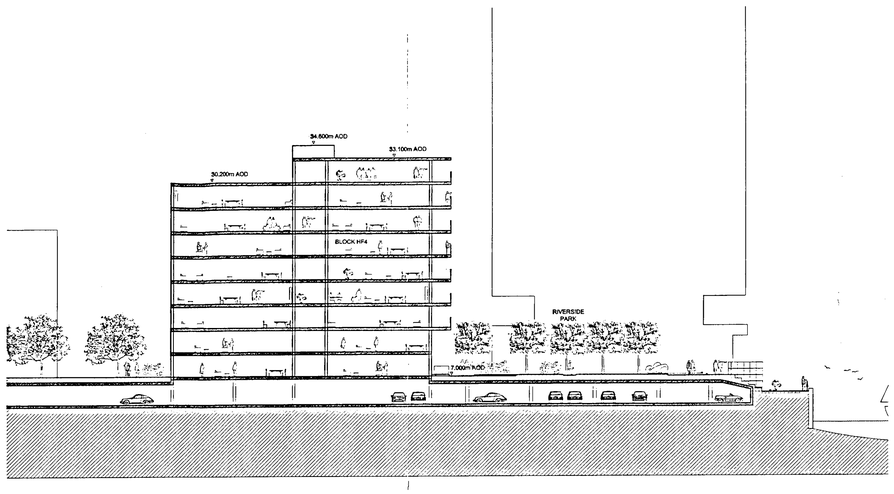
SECTION/ELEVATION B-B BLOCK HF2



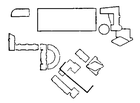


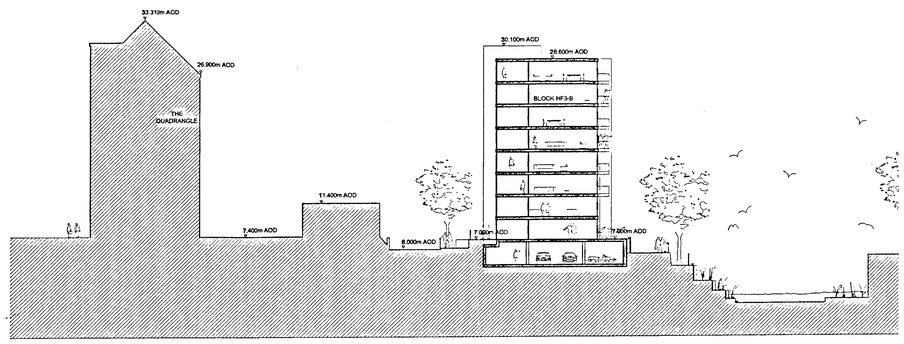
SECTION/ELEVATION C-C BLOCK HF1



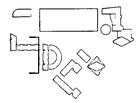


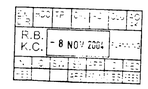
SECTION/ELEVATION D-D BLOCK HF4





SECTION/ELEVATION E-E BLOCK HF3B





SCALE 1/250@ A0

LRTW-4/PA/07-008 -C

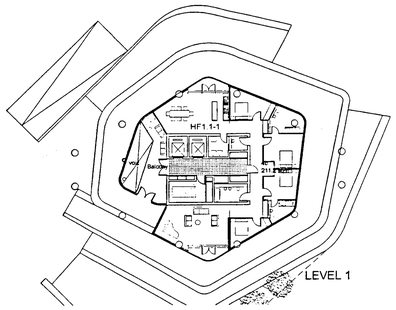
LOTS ROAD POWERSTATION AND LAND AT THAMES AVENUE DEVELOPMENT

SECTIONS/ELEVATIONS BLOCKS HF1, HF2, HF3B, HF4, HF5

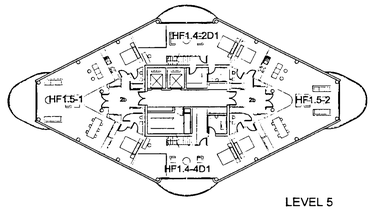
OCTOBER 2004

CIRCADIAN Ltd.

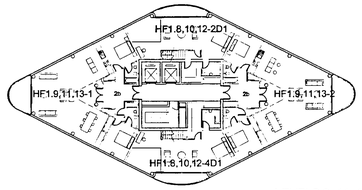
TERRY FARRELL & PARTNERS



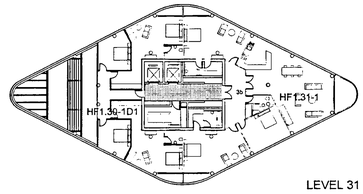
LEVEL 1



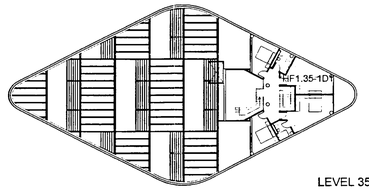
LEVEL 5



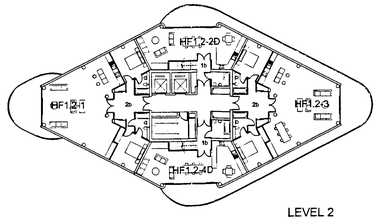
LEVELS 9, 11, 13



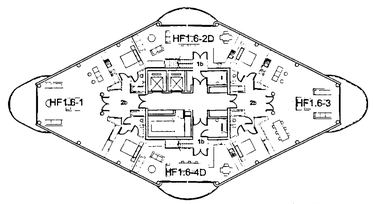
LEVEL 31



LEVEL 35



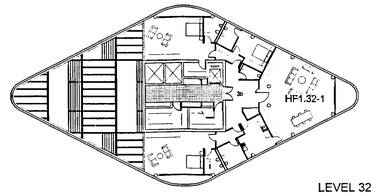
LEVEL 2



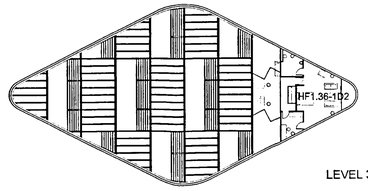
LEVEL 6



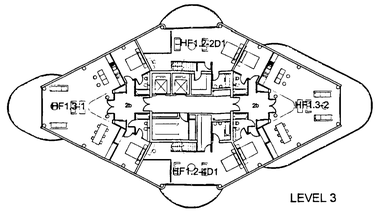
LEVEL 14



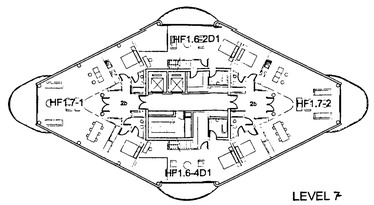
LEVEL 32



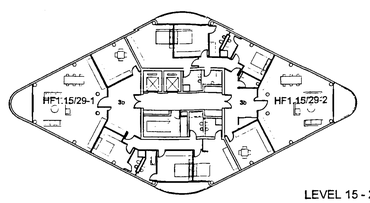
LEVEL 36



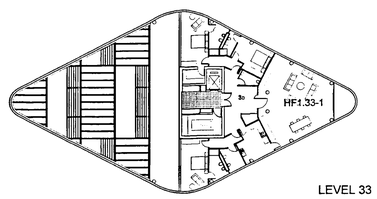
LEVEL 3



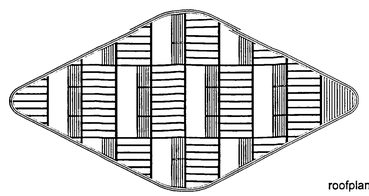
LEVEL 7

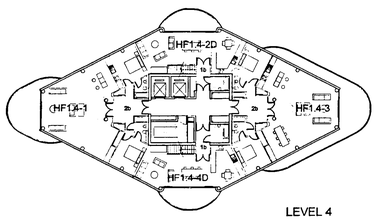


LEVEL 15 - 29

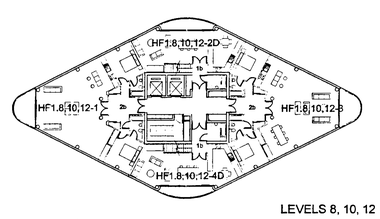


LEVEL 33

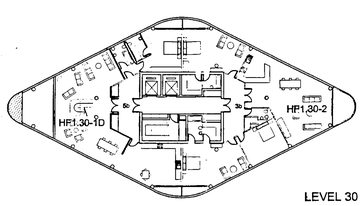

roofplan



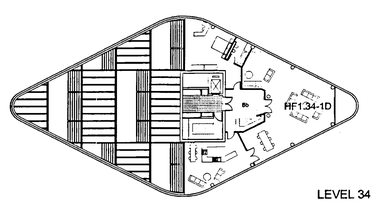
LEVEL 4



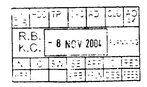
LEVELS 8, 10, 12



LEVEL 30



LEVEL 34



CIRCADIAN Ltd.

LOTS ROAD POWERSTATION AND LAND AT THAMES AVENUE DEVELOPMENT

BLOCK HF1
FLOOR PLANS 1-37
OCTOBER 2004

SCALE 1/250@ A0
LRTW-4/PA/06-032-E

TERRY FARRELL & PARTNERS

BLOCK HF3-A

BLOCK HF3-B

BLOCK HF3-C

BLOCK HF2

BLOCK HF1

BLOCK HF4

BLOCK HF5

CHELSEA HARBOUR DRIVE

HF1.8,10,12-2D1

HF1.9,11,13-1

HF1.9,11,13-2

HF1.6,10,12-4D1

R.B.I
K.C. - 8 NOV 2004

SCALE 1/250@ A0
LRTW-4/PA/06-031-F

LOTS ROAD POWERSTATION AND LAND AT THAMES AVENUE DEVELOPMENT

PLAN: HF LEVEL 10
OCTOBER 2004

CIRCADIAN Ltd.

TERRY FARRELL & PARTNERS

BLOCK HF3-A

BLOCK HF3-B

BLOCK HF3-C

BLOCK HF2

BLOCK HF1

BLOCK HF4

BLOCK HF5

HF1.8,10,12-2D1

HF1.9,11,13-1

HF1.9,11,13-2

HF1.8,10,12-4D1

HF5.8-1D1

R.B. K.C. - 8 NOV 2004

LOTS ROAD POWERSTATION AND LAND AT THAMES AVENUE DEVELOPMENT

PLAN: HF LEVEL 9
OCTOBER 2004

CIRCADIAN Ltd.

SCALE 1/250@ A0
LRTW-4/PA/06-030-F

TERRY FARRELL & PARTNERS

BLOCK HF3-A

BLOCK HF3-B

BLOCK HF3-C

BLOCK HF2

BLOCK HF1

BLOCK HF4

BLOCK HF5

HF3A.8-1-B1

HF3A.8-2-B1

HF3A.8-3-B1

HF3A.8-1

HF3A.8-2

HF3A.8-3

RE SHAFT OVERRUN

HF1.8.10.12-1

HF1.8.10.12-2D

HF1.8.10.12-3

HF1.8.10.12-4D

HF1.8-1-B1

HF1.8-2-B1

HF5.8-1D-B1

HF5.8-1D

HF5.8-1D-B2

N 08/110

W 08/111

D-D 07/005

D-D 07/006

S 08/110

W 08/111

E 08/111

W 08/108

W 08/107

N 08/107

S 08/107

N 08/105

B-B 07/008

E 08/107

W 08/115

E 08/116

C-C 07/007

W 08/100

S 08/109

N 08/109

N 08/100

E 08/108

S 08/116

A-A 07/002

S 08/102

A-A 07/002

C-C 07/007

E 08/109

EX. T.B. MCC TF CAD CAD CAD

K.B. K.C. - 8 NOV 2004

CIRCADIAN Ltd.

LOTS ROAD POWERSTATION AND LAND AT THAMES AVENUE DEVELOPMENT

PLAN: HF LEVEL 8
OCTOBER 2004

SCALE 1/250@ A0
LRTW-4/PA/06-029-F

TERRY FARRELL & PARTNERS

BLOCK HF3-A

BLOCK HF3-B

BLOCK HF3-C

BLOCK HF2

BLOCK HF1

BLOCK HF4

BLOCK HF5

R.B.K.C. 6 NOV 2004

LOTS ROAD POWERSTATION AND LAND AT THAMES AVENUE DEVELOPMENT

PLAN: HF LEVEL 7
OCTOBER 2004

SCALE 1/250@ A0
LRTW-4/PA/06-028-F

CIRCADIAN Ltd.

TERRY FARRELL & PARTNERS

BLOCK HF3-A

BLOCK HF3-B

BLOCK HF3-C

BLOCK HF2

BLOCK HF1

BLOCK HF4

BLOCK HF5

N.B. K.C. - 6 NOV 2004

LOTS ROAD POWERSTATION AND LAND AT THAMES AVENUE DEVELOPMENT

PLAN: HF LEVEL 6
OCTOBER 2004

CIRCADIAN Ltd.

SCALE 1/250@ A0
LRTW-4/PA/06-027-F

TERRY FARRELL & PARTNERS

BLOCK HF3-A

BLOCK HF3-B

BLOCK HF3-C

BLOCK HF2

BLOCK HF1

BLOCK HF4

BLOCK HF5

LOTS ROAD POWERSTATION AND LAND AT THAMES AVENUE DEVELOPMENT

PLAN: HF LEVEL 5
OCTOBER 2004

CIRCADIAN Ltd.

SCALE 1/250@ A0
LRTW-4/PA/06-026-F

TERRY FARRELL & PARTNERS

R.B.K.C. - 8 NOV 2004

BLOCK HF3-A

BLOCK HF3-B

BLOCK HF3-C

BLOCK HF2

BLOCK HF1

BLOCK HF4

BLOCK HF5

R.B.K.C. - 8 NOV 2004

LOTS ROAD POWERSTATION AND LAND AT THAMES AVENUE DEVELOPMENT

PLAN: HF LEVEL 4
OCTOBER 2004

CIRCADIAN Ltd.

SCALE 1/250@ A0
LRTW-4/PA/06-025-F

TERRY FARRELL & PARTNERS

BLOCK HF3-A

BLOCK HF3-B

BLOCK HF3-C

BLOCK HF2

BLOCK HF1

BLOCK HF4

BLOCK HF5

R.B. K.C. - 8 NOV 2004

SCALE 1/250@ A0

LRTW-4/PA/06-024-F

CIRCADIAN Ltd.

LOTS ROAD POWERSTATION AND LAND AT THAMES AVENUE DEVELOPMENT

PLAN: HF LEVEL 3

OCTOBER 2004

TERRY FARRELL & PARTNERS

BLOCK HF3-A

BLOCK HF3-B

BLOCK HF3-C

BLOCK HF2

BLOCK HF1

BLOCK HF4

BLOCK HF5

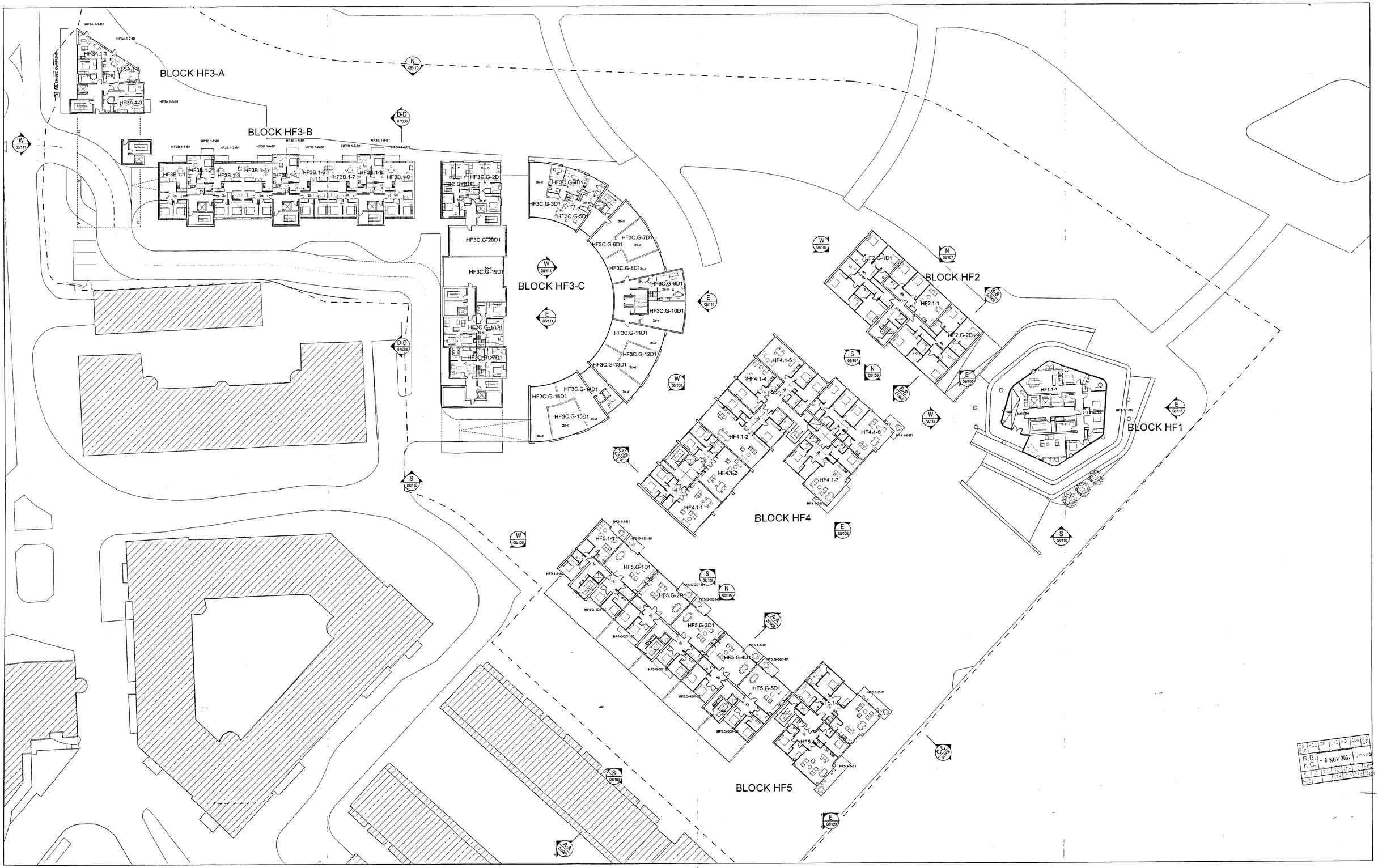
LOTS ROAD POWERSTATION AND LAND AT THAMES AVENUE DEVELOPMENT

PLAN: HF LEVEL 2
OCTOBER 2004

SCALE 1/250@ A0
LRTW-4/PA/06-023-F

CIRCADIAN Ltd.

TERRY FARRELL & PARTNERS



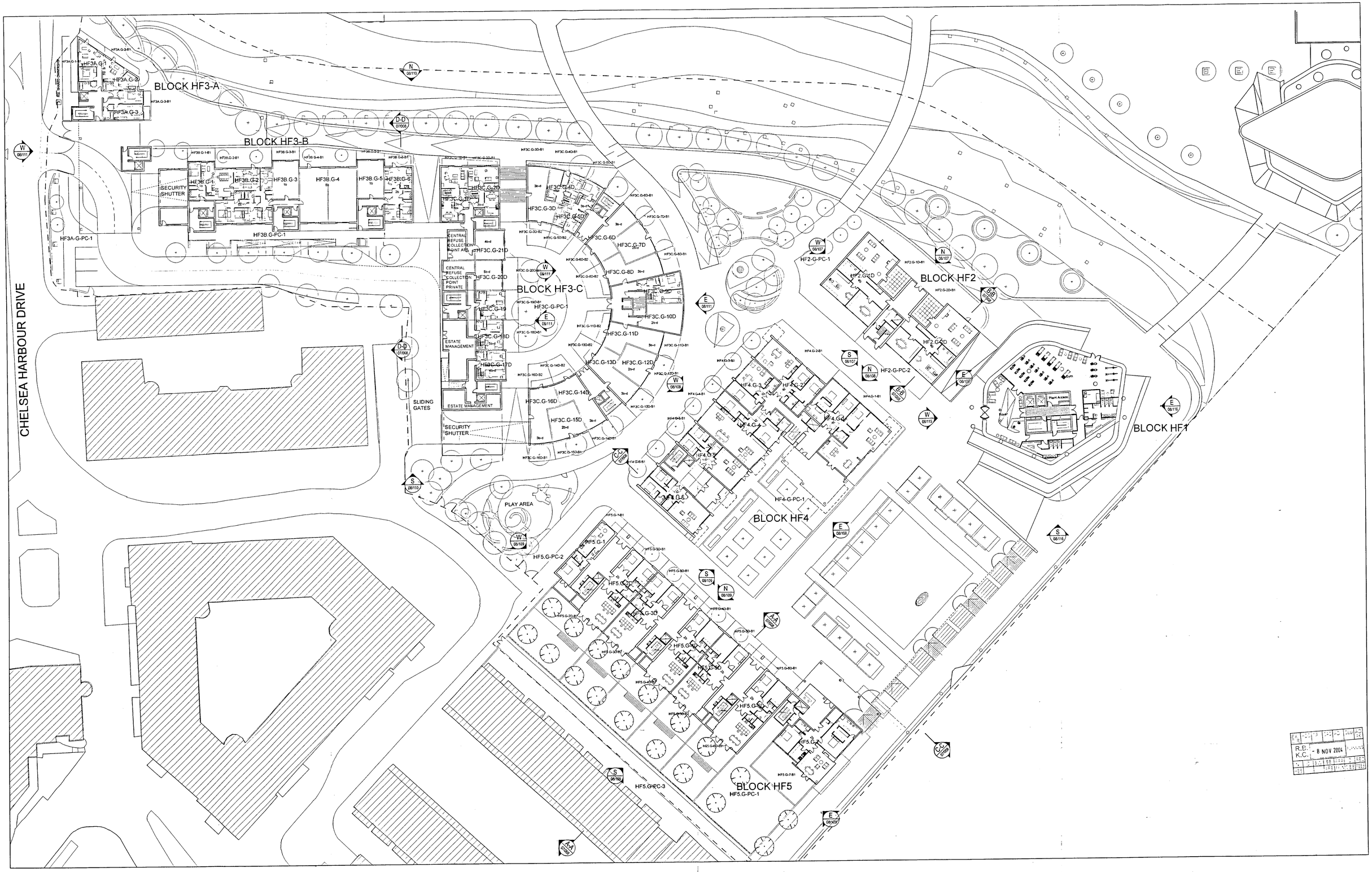
LOTS ROAD POWERSTATION AND LAND AT THAMES AVENUE DEVELOPMENT

PLAN: HF LEVEL 1
OCTOBER 2004

SCALE 1/250@ A0
LRTW-4/PA/06-022-F

CIRCADIAN Ltd.

TERRY FARRELL & PARTNERS



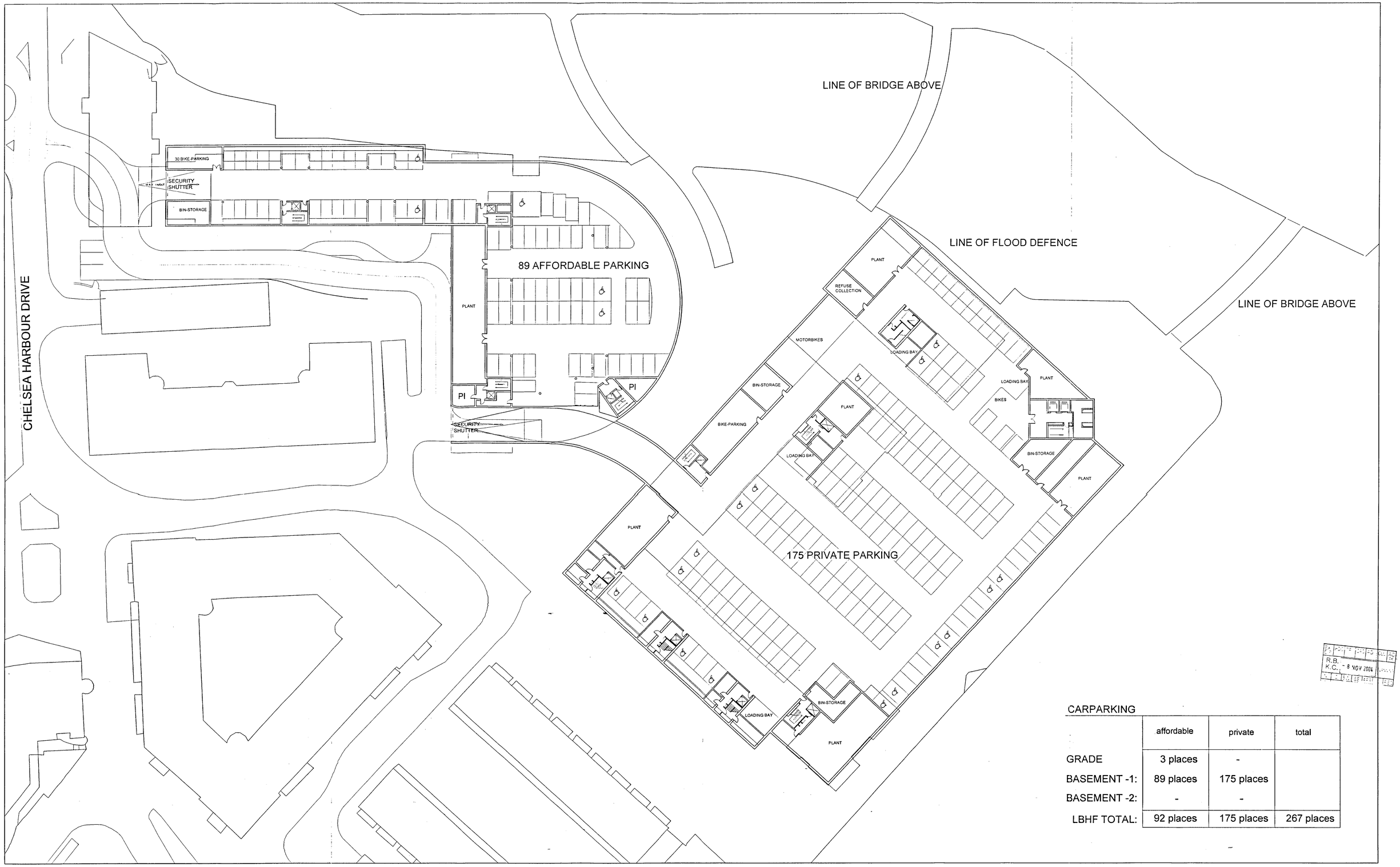
SCALE 1/250@ A0
LRTW-4/PA/06-021-G

LOTS ROAD POWERSTATION AND LAND AT THAMES AVENUE DEVELOPMENT

PLAN: HF GROUND LEVEL
OCTOBER 2004

CIRCADIAN Ltd.

TERRY FARRELL & PARTNERS



R.B. K.C. - 8 NOV 2004

CARPARKING

	affordable	private	total
GRADE	3 places	-	
BASEMENT -1:	89 places	175 places	
BASEMENT -2:	-	-	
LBHF TOTAL:	92 places	175 places	267 places

LOTS ROAD POWERSTATION AND LAND AT THAMES AVENUE DEVELOPMENT

PLAN: HF BASEMENT -1
OCTOBER 2004

SCALE 1/250@ A0
LRTW-4/PA/06-020-F

CIRCADIAN Ltd.

TERRY FARRELL & PARTNERS

LOTS ROAD

LOTS ROAD

BLOCK KC4

POWERSTATION
BLOCK KC3

BLOCK KC2A

BLOCK KC2B

BLOCK KC1

BLOCK HF3A

BLOCK HF3B

BLOCK HF3C

BLOCK HF2

BLOCK HF4

BLOCK HF1

BLOCK HF5

CHELSEA HARBOUR DRIVE

THAMES AVENUE

R.B.
K.C. - 6 NOV 2004
PLANNING

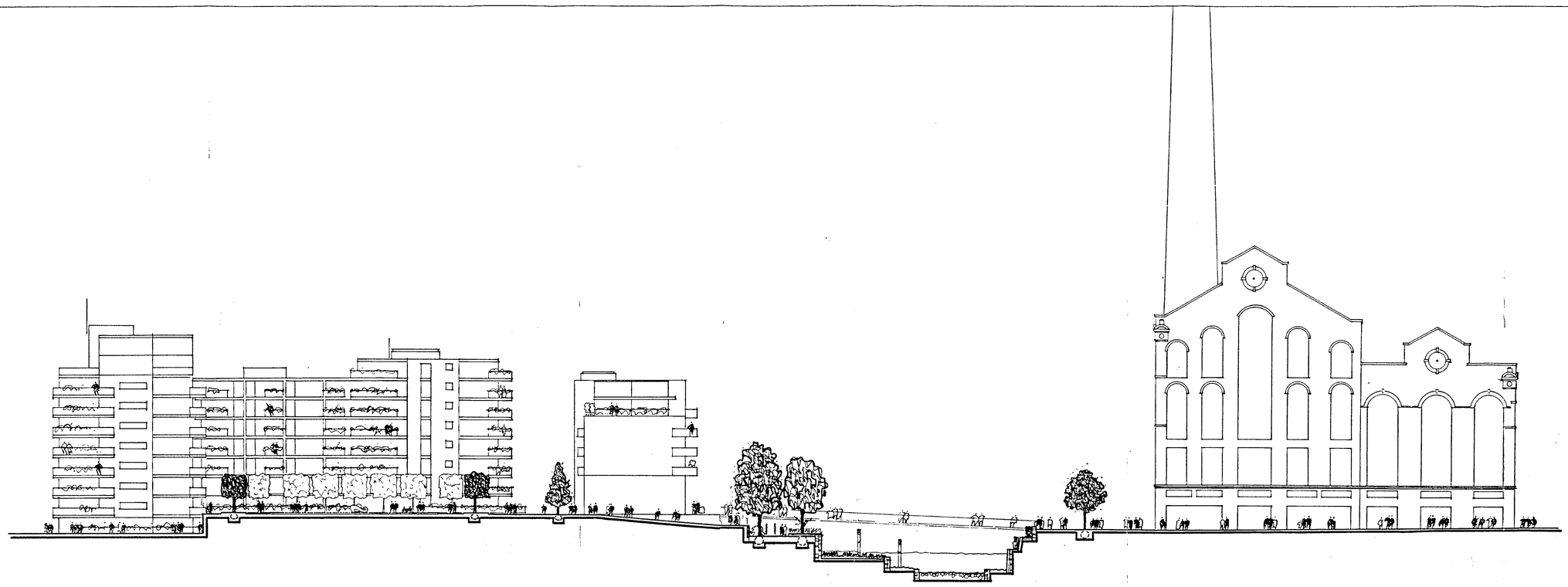
SCALE 1/250@ A0
LRTW-4/PA/05-001-F

LOTS ROAD POWERSTATION AND LAND AT THAMES AVENUE DEVELOPMENT

SITEPLAN: ROOF
OCTOBER 2004

CIRCADIAN Ltd.

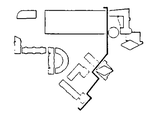
TERRY FARRELL & PARTNERS



R.B.
K.C. 8 NOV 2004

LOTS ROAD POWERSTATION AND LAND AT THAMES AVENUE DEVELOPMENT

SUPLEMENTARY DRAWING: LONG SECTION EAST
OCTOBER 2004



SCALE 1/500 @ A0
LRTW-4/PA/04/008 -A

CIRCADIAN Ltd.

TERRY FARRELL & PARTNERS

BLOCK KC3

BLOCK KC1

BLOCK HF3

BLOCK HF1

BLOCK HF5

LOTS ROAD POWERSTATION AND LAND AT THAMES AVENUE DEVELOPMENT

BLOCK KC3 CROSS SECTION, BLOCKS HF3, HF5 SOUTH ELEVATION

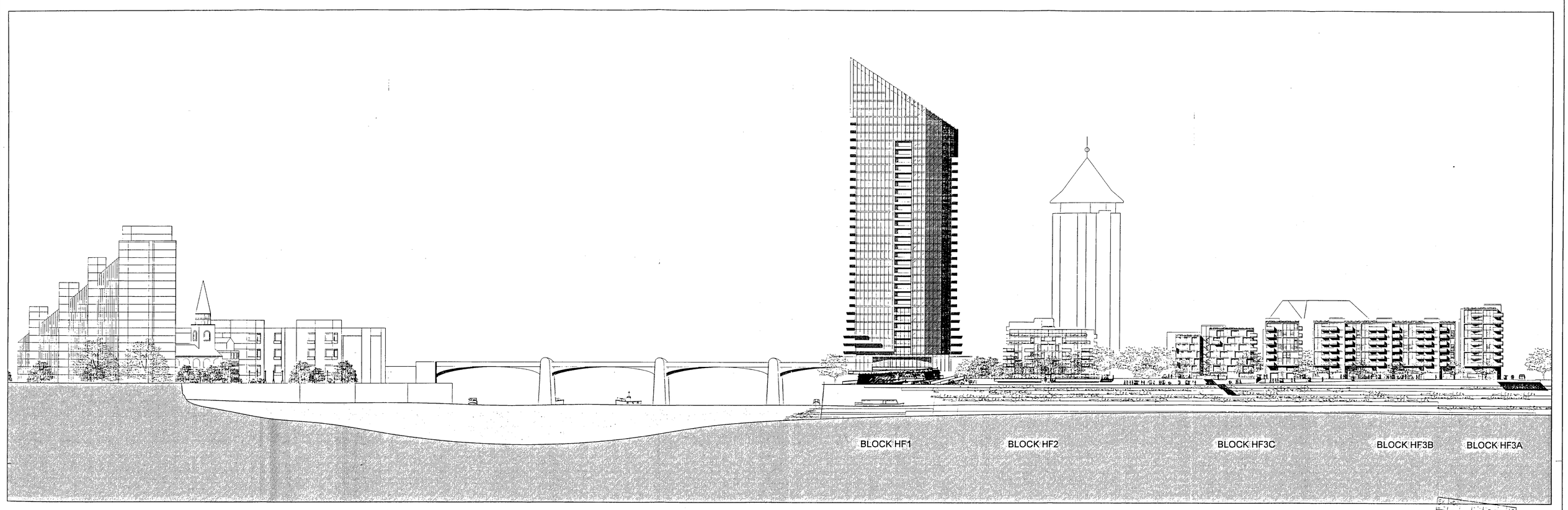
OCTOBER 2004

SCALE 1/500 @ A0

LRTW-4/PA/04-004-E

CIRCADIAN Ltd.

TERRY FARRELL & PARTNERS



R.B. K.C. - 8 NOV 2004

SCALE 1/500 @ A0

LRTW-4/PA/04-002-F

LOTS ROAD POWERSTATION AND LAND AT THAMES AVENUE DEVELOPMENT

BLOCKS HF1, HF2, HF3 NORTH ELEVATION

OCTOBER 2004

CIRCADIAN Ltd.

TERRY FARRELL & PARTNERS



SCALE 1/1000 @ A0

LRTW-4/PA/03-005-

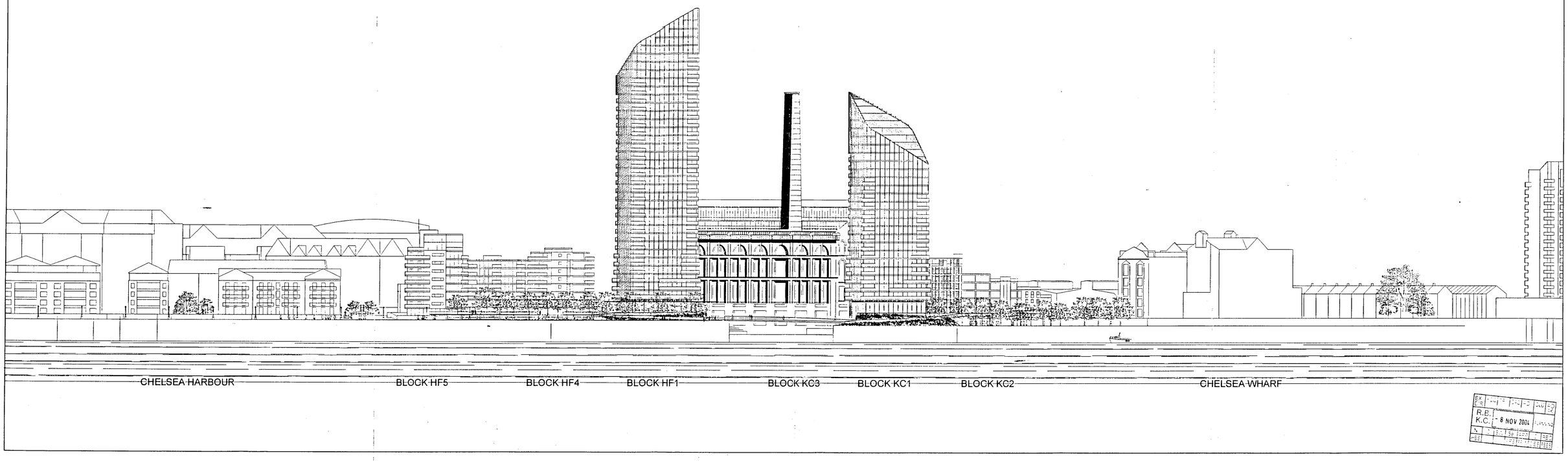
LOTS ROAD POWERSTATION AND LAND AT THAMES AVENUE DEVELOPMENT

CIRCADIAN Ltd.

SITE PLAN: LBHF

OCTOBER 2004

TERRY FARRELL & PARTNERS



LOTS ROAD POWERSTATION AND LAND AT THAMES AVENUE DEVELOPMENT

RIVERSIDE ELEVATION

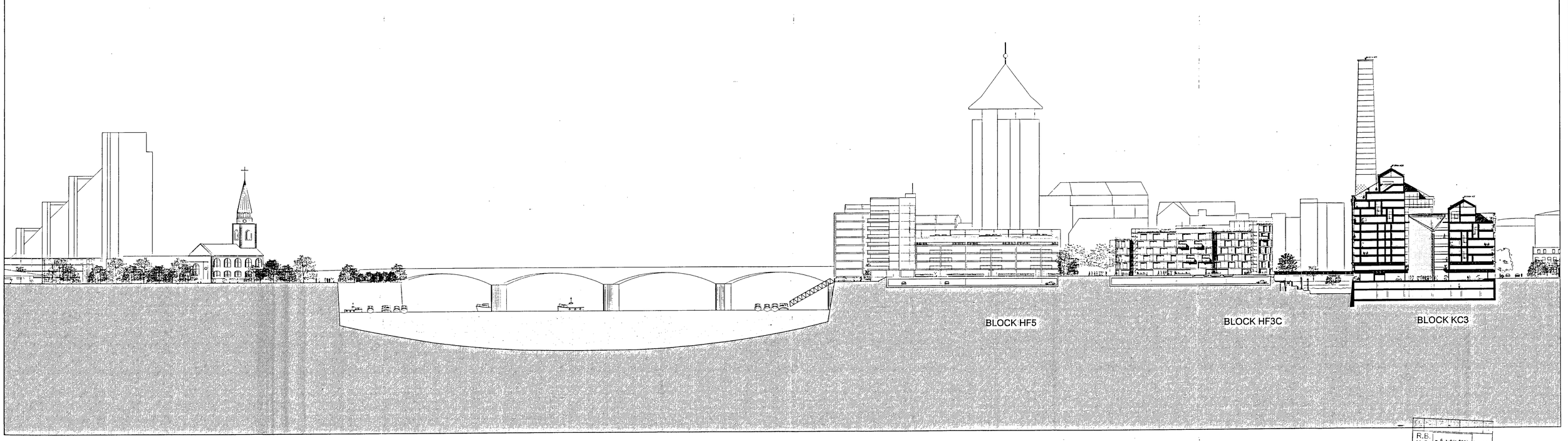
OCTOBER 2004

SCALE 1/500 @ A0

LRTW-4/PA/04-001-E

CIRCADIAN Ltd.

TERRY FARRELL & PARTNERS



R.B. K.C. - 8 NOV 2004

SCALE 1:500 @ A0

LRTW-4/PA/04-003-F

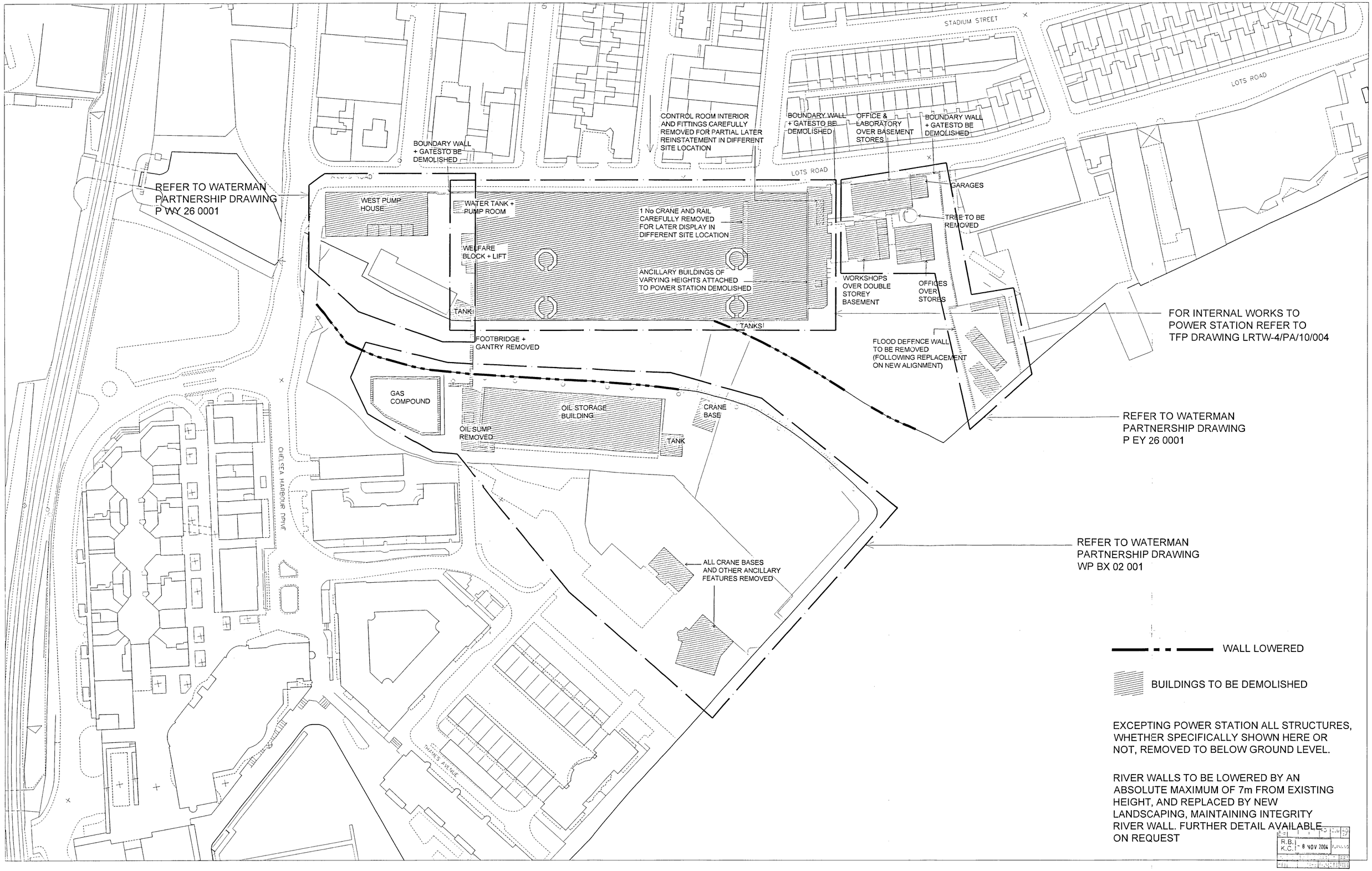
LOTS ROAD POWERSTATION AND LAND AT THAMES AVENUE DEVELOPMENT

BLOCK KC3 CROSS SECTION, BLOCKS HF3, HF5 NORTH ELEVATION

OCTOBER 2004

CIRCADIAN Ltd.

TERRY FARRELL & PARTNERS



SCALE 1/500 @ A0

LRTW-4-PA-10-001-B

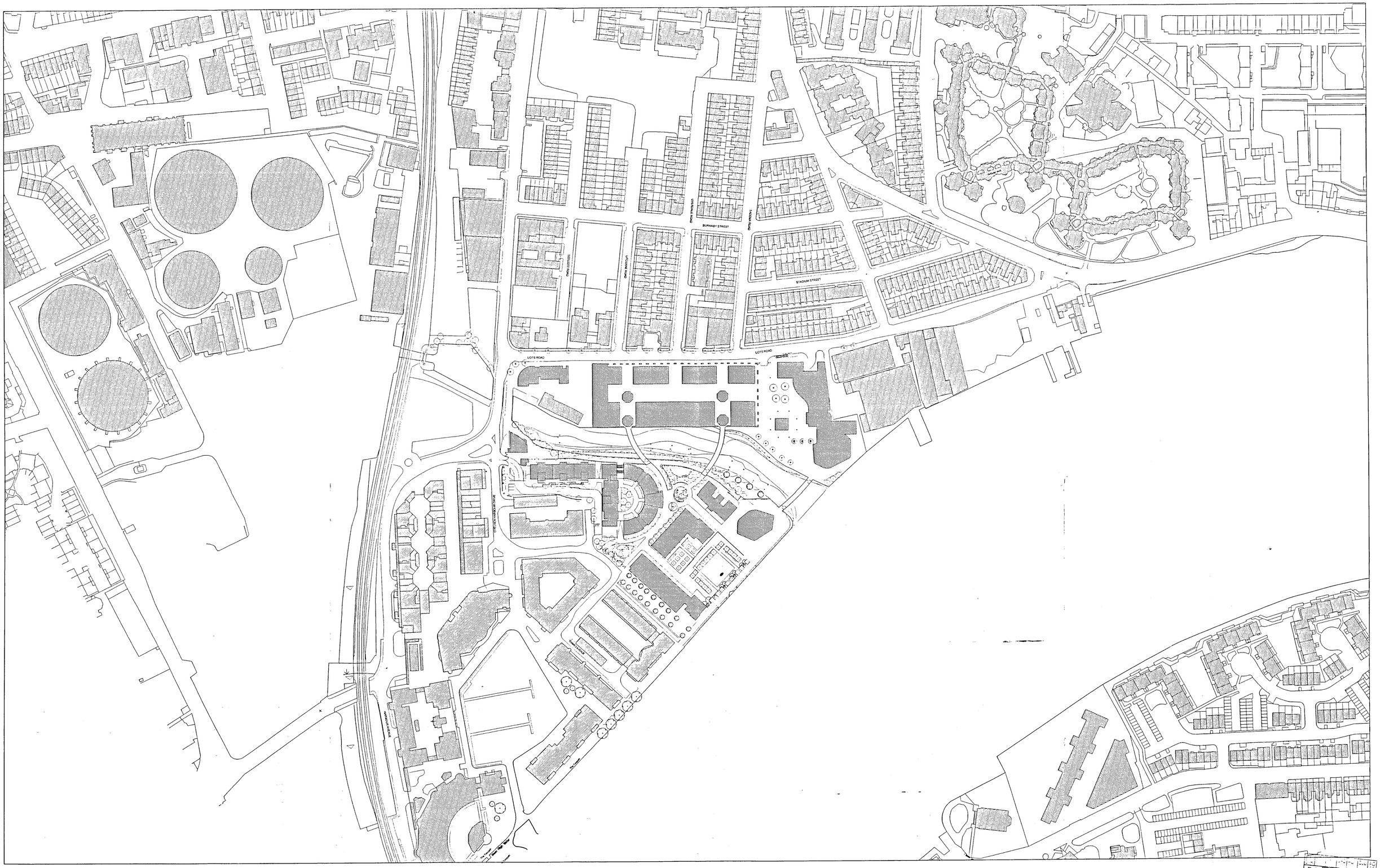
LOTS ROAD POWERSTATION AND LAND AT THAMES AVENUE DEVELOPMENT

DEMOLITION SCOPE OF WORKS

OCTOBER 2004

CIRCADIAN Ltd.

TERRY FARRELL & PARTNERS



R.B.
K.C. 8 NOV 2004

SCALE 1/1000 @ A0

LRTW-4/PA/03-003-F

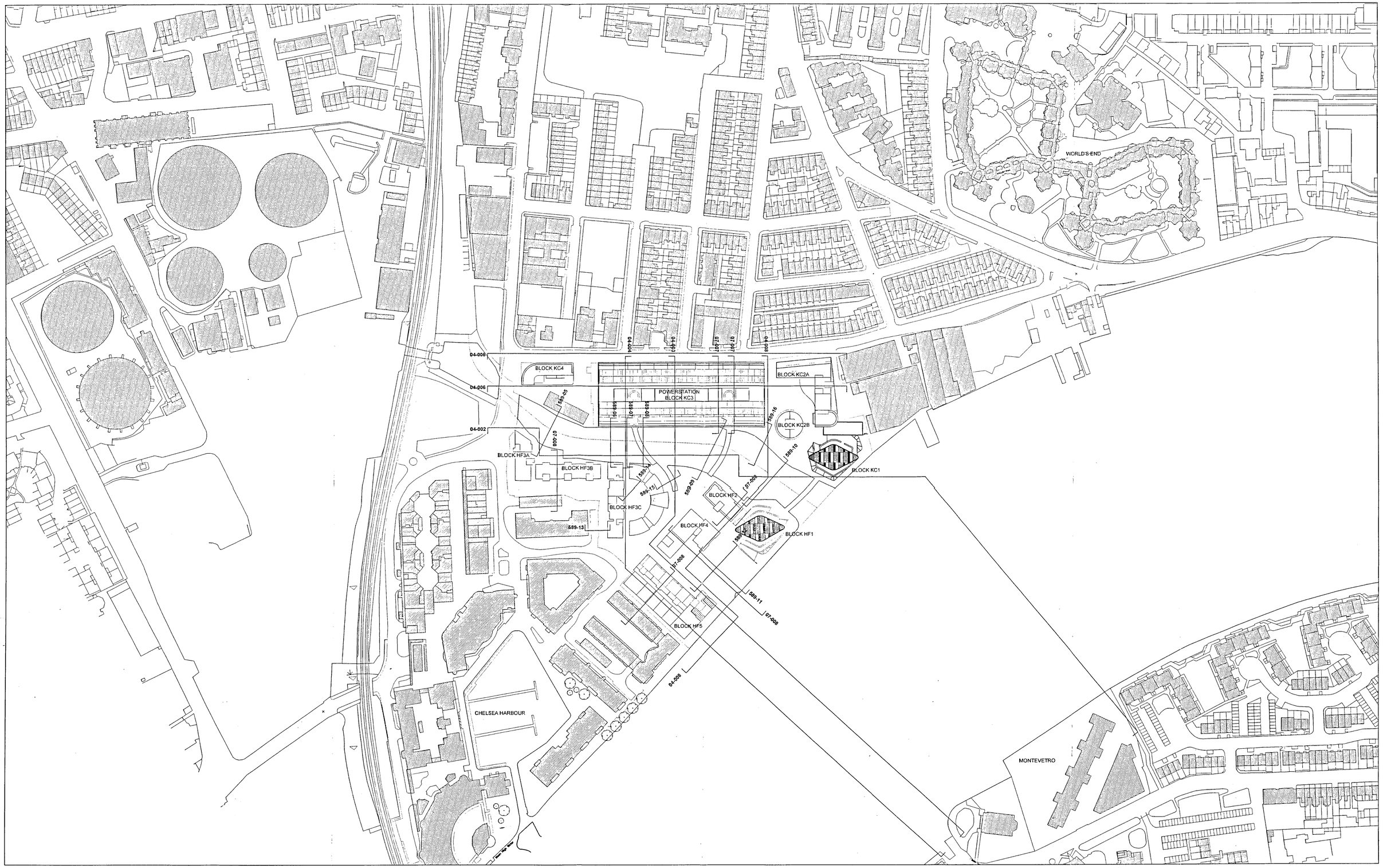
LOTS ROAD POWERSTATION AND LAND AT THAMES AVENUE DEVELOPMENT

SITEPLAN: GROUND FLOOR PLANS

OCTOBER 2004

CIRCADIAN Ltd.

TERRY FARRELL & PARTNERS



R.B. K.C. - 8 NOV 2004

SCALE 1/1000 @ A0

LRTW-4/PA/03-002-F

LOTS ROAD POWERSTATION AND LAND AT THAMES AVENUE DEVELOPMENT

ROOF SITEPLAN AND SECTION LINES

OCTOBER 2004

CIRCADIAN Ltd.

TERRY FARRELL & PARTNERS