

**ROYAL BOROUGH OF
KENSINGTON AND
CHELSEA**

1

DOCUMENT TYPE

COUNCIL CASE

1

PLANNING APPLICATIONS

PUBLIC INQUIRY

PP/02/01324

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PP/02/01324

Lots Road Power Station And Chelsea Creek

Due to case file size the content has been broken down and scanned in sections as denoted.

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PLANNING AND CONSERVATION

THE TOWN HALL HORNTON STREET LONDON W8 7NX

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

**THE ROYAL
BOROUGH OF**



**KENSINGTON
AND CHELSEA**

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13 NOV 2003

My Ref: PP/02/01324/MAJM/A1
Your Ref: JWP/PD5824

Please ask for: South West Area Team

Dear Sir/Madam,

TOWN AND COUNTRY PLANNING ACT, 1990

**TOWN AND COUNTRY PLANNING GENERAL PERMITTED DEVELOPMENT
ORDER, 1995**

REFUSAL OF PERMISSION TO DEVELOP (DP2)



The Borough Council in pursuance of its powers under the above-mentioned Act and Order, hereby REFUSE to permit the development referred to in the under-mentioned Schedule as shown in the plans submitted. Your attention is drawn to the enclosed Information Sheet.

SCHEDULE

DEVELOPMENT:

Conversion of Power Station to provide a mix of residential, retail, office, business and restaurant uses, together with erection of a 25 storey residential tower with ground floor gym, a 3-8 storey building incorporating commercial and residential uses, a 9 storey residential building, associated parking, servicing and landscaping, and works to Chelsea Creek, including three pedestrian bridges.

SITE ADDRESS:

Lots Road Power Station and Chelsea Creek, London, SW10

RBK&C Drawing Nos:

PP/02/1324/B, PP/02/1324/C & PP/02/1324/D

Applicant's Drawing Nos:

LRTW4/PA/00-001, LRTW4/PA/03-001,
LRTW4/PA/03-002-A, LRTW4/PA/03-003-A,
LRTW4/PA/04-01, LRTW4/PA/04-003, LRTW4/PA/04-004,
LRTW4/PA/04-005, LRTW4/PA/04-006, LRTW4/PA/04-007,
LRTW4/PA/05-001-A, LRTW4/PA/05-002-A,
LRTW4/PA/05-003-A, LRTW4/PA/05-004-A,
LRTW4/PA/05-005-A, LRTW4/PA/05-006-A,
LRTW4/PA/05-007-B, LRTW4/PA/05-008-B,
LRTW4/PA/05-009-A, LRTW4/PA/05-010-A,
LRTW4/PA/05-011-A, LRTW4/PA/05-012-A,



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

Application Dated: 07/06/2002

Application Completed: 17/06/2002

Application Revised: 13/12/2002, 05/03/2003 and 10/07/2003,

REASON(S) FOR REFUSAL OF PERMISSION ATTACHED OVERLEAF

REASON(S) FOR REFUSAL:

The proposed development would include a new high building which would significantly exceed the height of existing buildings to the east of Blantyre Street and that of neighbouring buildings. It would consequently represent a departure from Unitary Development Plan Policies CD6 and CD37 and would be harmful to the skyline, important views and surrounding conservation areas by virtue of its height, design and location contrary to Policies CD1, CD25, CD27, CD28 and CD63.

INFORMATIVE

You are advised that a number of relevant policies of the Unitary Development Plan were used in the determination of this case, in particular, Policies STRAT9, STRAT10, STRAT11, STRAT12, STRAT13, STRAT20, STRAT22, STRAT23, STRAT25, STRAT26, STRAT27, STRAT28, STRAT29, STRAT30, STRAT31, STRAT32, STRAT34, STRAT44, STRAT46, STRAT47, STRAT48, STRAT49, STRAT50, STRAT52, CD1, CD2, CD5, CD6, CD7, CD13, CD14, CD15, CD16, CD25, CD27, CD28, CD33, CD36, CD37, CD63, CD92, H12, H23, TR1, TR2, TR3, TR4, TR5, TR6, TR8, TR9, TR12, TR13, TR14, TR15, TR16, TR17, TR23, TR24, TR27, TR31, TR32, TR33, TR34, TR35, TR36, TR37, TR38, TR41, TR42, TR44, E1, E5, E11, E20, E23, E25, E27, LR2, LR13, LR19, LR26, LR36, PU3, PU4, SC4 and SC6. (I51)

Yours faithfully,



Michael J. French
Executive Director, Planning and Conservation

PLANNING AND CONSERVATION

THE ROYAL
BOROUGH OF

THE TOWN HALL HURNTON STREET LONDON W8 7NX

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

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KENSINGTON
AND CHELSEA

22 MAR 2002

My Ref: PP/01/01627/MAJM/6020
Team

Your Ref: JWP

Please ask for: South West Area



Dear Sir/Madam,

TOWN AND COUNTRY PLANNING ACT, 1990

TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT ORDER, 1988

REFUSAL OF PERMISSION TO DEVELOP (DP2)

The Borough Council in pursuance of its powers under the above-mentioned Act and Order, hereby REFUSE to permit the development referred to in the under-mentioned Schedule as shown in the plans submitted. Your attention is drawn to the enclosed Information Sheet.

SCHEDULE

DEVELOPMENT:

Demolition of a series of buildings currently ancillary to the operation of power station, redevelopment including conversion of power station to provide residential accommodation, Class A1 Retail, Class B1 Offices, Class D Community Uses and ancillary residential uses including health and fitness centre with works to Chelsea Creek & Chelsea Basin, including construction of three bridges over creek.

SITE ADDRESS:

Lots Road Power Station and Chelsea Creek, London, SW10

RBK&C Drawing Nos:

PP/01/01627

Applicant's Drawing Nos:

LRTW/PL/01-001, LRTW/PL/01-002, LRTW/PL/03-001,
LRTW/PL/03-002, LRTW/PL/03-003, LRTW/PL/04-01,
LRTW/PA/04-03, LRTW/PL/04-04, LRTW/PL/04-05,
LRTW/PA/04-06, LRTW/PL/05-001, LRTW/PL/05-002,
LRTW/PL/05-003, LRTW/PL/05-004, LRTW/PL/05-005,
LRTW/PL/05-006, LRTW/PL/05-007, LRTW/PL/05-008,
LRTW/PL/05-009, LRTW/PL/05-010, LRTW/PL/05-011,
LRTW/PL/05-012, LRTW/PL/05-013, LRTW/PL/05-014,
LRTW/PL/05-015, LRTW/PL/05-016, LRTW/PL/05-017,
LRTW/PL/05-018, LRTW/PL/05-035, LRTW/PL/07-001,

LRTW/PL/07-002, LRTW/PL/07-003, LRTW/PL/07-004,
LRTW/PL/07-007, LRTW/PL/07-08, LRTW/PL/07-09,
LRTW/PL/07-11, LRTW/PL/08-02, LRTW/PL/08-03,
LRTW/PL/08-04, LRTW/PA/08-005, LRTW/PL/10-001,
LRTW/PL/10-002, LRTW/PL/10-003, LRTW/PL/10-004,
LRTW/PL/10-005, LRTW/PL/10-006, Environmental Statement
consisting of Non-technical Summary, Environmental Statement,
Appendix A1 Scoping Opinions, Appendix A2 Consultation
Summary, Appendix B1 Residents Survey, Appendix B2 Interview
Results - Business Survey, Appendix C Built Heritage, Townscape
and Visual Assessment, Appendix D Archaeological Impact
Assessment, Appendix E Assessment of Options for Chelsea Creek,
Appendix F1 The River Walls and Foreshore in Chelsea Creek - An
Intertidal Ecological Survey, Appendix F2 CPM Guidelines,
Appendix F3 Lots Road Power Station Development: Preliminary
Invertebrate Assessment, Appendix F4 Bird Survey, Appendix G1
Scope of Works, Appendix G2 Factual Report on
Asbestos-Containing Material, Appendix G3 Site Investigation and
Environmental, Appendix H Transport Assessment, Appendix I
Dispersion Modelling Study of Traffic Emissions from the Proposed
Lots Road Power Station Development, Appendix J Noise and
Vibration, Appendix K1 Wind Tunnel Test Results, Appendix K2
Sunlight and Daylight Report, 1160 Overshadowing Study,
Cumulative Impact Report, Appendix A Transport Assessment,
Appendix B&C Air Modelling and Wind, Appendix D Sunlight and
Daylight, Employment Study

Application Dated: 08/06/2001

Application Completed: 18/07/2001

REASON(S) FOR REFUSAL OF PERMISSION ATTACHED OVERLEAF

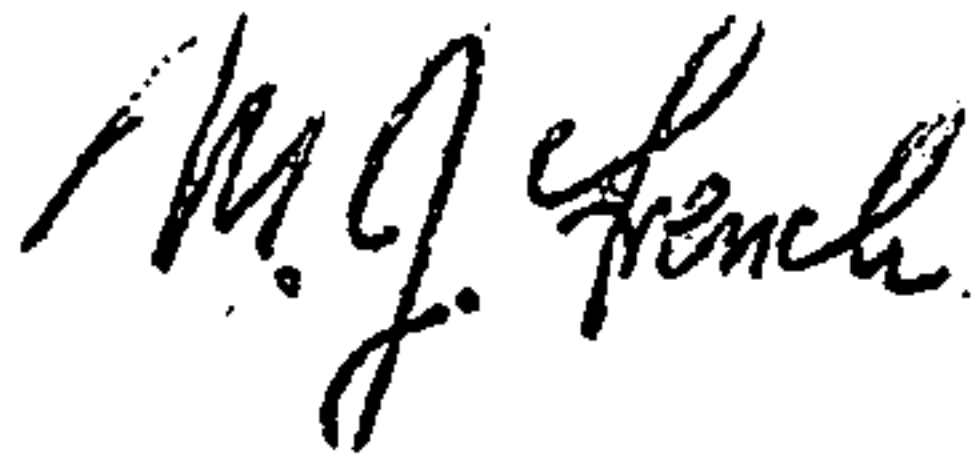
REASONS FOR REFUSAL

- 1. The proposal would involve construction of a high building in an inappropriate location which would be harmful to the skyline, detrimental to the character and appearance of the area and to important views from neighbouring conservation areas and open spaces, contrary to the provisions of the Unitary Development Plan and Proposed Modifications thereto, in particular Policies CD4, CD11, CD12, CD13, CD14 and CD31.**
- 2. The proposal by virtue of its height and bulk would adversely affect sunlight and daylight conditions and contribute to a sense of enclosure to neighbouring residential property contrary to the provisions of the Unitary Development Plan and Proposed Modifications thereto, in particular Policies CD28 and CD30a.**
- 3. The development, by virtue of the height, massing, orientation, bulk, scale, design of the buildings and open spaces would be poorly integrated into its surroundings to the detriment of the character and appearance of the river frontage, views from surrounding areas and townscape contrary to the provisions of the Unitary Development Plan and Proposed Modifications thereto, in particular Policies STRAT 5, STRAT 7, STRAT 8, CD1, CD4, CD25, CD25A, CD31 and CD54.**
- 4. The proposed development provides insufficient affordable housing of an appropriate tenure and quality to meet the housing needs of the Borough, contrary to the provisions of the Unitary Development Plan, and Proposed Modifications thereto, in particular Policy H23.**
- 5. The proposed development, in conjunction with the development of adjoining sites, would be likely to result in the generation of traffic over and above that which could be adequately accommodated on the existing highway network, contrary to the provisions of the Unitary Development Plan and Proposed Modifications thereto, in particular Policy TR39.**
- 6. The proposal fails to make adequate provision for business and employment floorspace in the context of redevelopment within a designated employment zone contrary to the provisions of the Unitary Development Plan and Proposed Modifications thereto, in particular Policies STRAT 17, STRAT 19, E13, E23f and E23h.**
- 7. The proposed development would represent a significant departure from the Unitary Development Plan without any reasoned justification.**

INFORMATIVE

You are advised that a number of relevant policies of the Unitary Development Plan **and proposed alterations thereto** were used in the determination of this case, in particular, Policies STRAT 5, STRAT 6, STRAT 7, STRAT 8, STRAT 17, STRAT 19, E23h, H12, H15, H23, CD1, CD4, CD11, CD12, CD13, CD14, CD25, CD25a, CD28, CD30a, CD31, CD54, TR39, E13 and E23f. (I51)

Yours faithfully,

A handwritten signature in black ink, appearing to read 'M. J. French', written in a cursive style.

Michael J. French
Executive Director, Planning and Conservation

Policy & Partnerships Directorate

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The Queen's Walk
London SE1 2AA
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John Thorne
Kensington & Chelsea Council
Planning and Conservation
The Town Hall
Hornton Street
LONDON W8 7NX

Our ref: PDU/CW0066/07
Your ref: 1324 & 1325 JT
Date: 6 March 2003

Dear Mr Thorne,

**Town & Country Planning Act 1990 (as amended); Greater London Authority
Act 1999; Town & Country Planning (Mayor of London) Order 2000
Lots Road (Your Ref: 1324 & 1325 JT)**

I refer to your letter of 2 July 2002 consulting the Mayor of London on the above planning application. On 28 August 2002 the Mayor considered a report on this proposal, reference PDU/066/02 and he has subsequently considered a further report on the revised scheme a copy of the addendum report is attached; in full.

Having considered the report, the Mayor's conclusions are as follows.

- The site is one of a few large opportunity sites within central London that could deliver a significant contribution to the draft London Plan's housing targets. Although the site has relatively poor public transport accessibility at the moment, improvements could be achieved in the short term through enhanced bus services and in the long term through improvements to the West London line and "Orbi-Rail". The developer would be expected to make a significant financial contribution to these projects through S.106 contributions.
- Given the proposed improvements to public transport, the density of development proposed for the site is considered to meet the guidelines set out in the draft London Plan. The density of development proposed also allows for the delivery of a significant level of affordable and private housing on the site. The design of the scheme is of a high quality with the towers contributing positively to the London skyline and the setting of the Thames and the Lots Road Power Station. Accessibility into and through the site and the creek is a significant urban design gain. The legibility and permeability of the scheme has been further enhanced by amendments to the layout and the overall the design quality is of a high quality.

- The increased levels of affordable housing provide on the site meet the requirements of the draft London Plan. Overall, the development is in the interest of good strategic planning in London.

The application represents EIA development for the purposes of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. The Mayor has taken the environmental information made available to date into consideration in formulating his comments.

If Kensington & Chelsea Council decides in due course that it is minded to approve the application, it should allow the Mayor fourteen days to decide whether or not to direct the Council to refuse planning permission (under article 4(1)(b)(i) of the Town & Country Planning (Mayor of London) Order 2000). You should therefore send me a copy of any officer's report on this case to your planning committee (or its equivalent), together with a statement of the permission your authority proposes to grant and of any conditions the authority proposes to impose, and a copy of any representations made in respect of the application (article 4(1)(a) of the Order).

Yours sincerely,



Giles Dolphin

Planning Decisions Manager

cc Angie Bray London Assembly Constituency Member
 Bob Neill, Chair of London Assembly Planning and Spatial Development Committee
 Hammersmith & Fulham Council
 Andrew Melville, GoL
 Sam Richards, TfL
 Anne Crane, LDA
 Jim Pool, Montagu Evans

Policy & Partnerships Directorate

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Paul Entwistle
Environment Department
Hammersmith & Fulham Council
Town Hall
King Street
LONDON W6 9JU

Our ref: PDU/0066CW06
Your ref: 2002/03132/ful
Date: 6 March 2003

Dear Mr. Entwistle,

**Town & Country Planning Act 1990 (as amended); Greater London Authority
Act 1999; Town & Country Planning (Mayor of London) Order 2000
Lots Road (Your Ref: 2002/03132/ful)**

I refer to your letter of 2 January 2003 consulting the Mayor of London on the above planning application. On 28 February 2003 the Mayor considered a report on this proposal, reference PDU/0066/02. A copy of the report is attached, in full.

Having considered the report, the Mayor's conclusions are as follows.

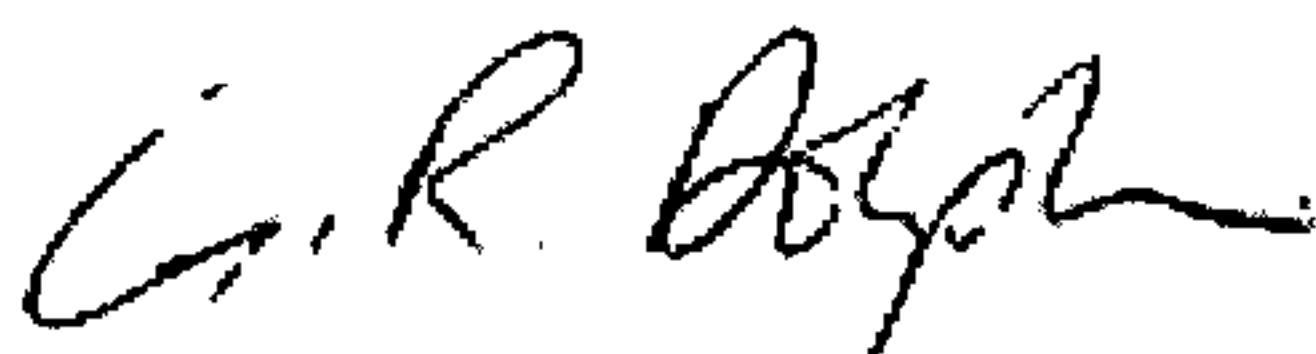
- The site is one of a few large opportunity sites within central London that could deliver a significant contribution to the draft London Plan's housing targets. Although the site has relatively poor public transport accessibility at the moment, improvements could be achieved in the short term through enhanced bus services and in the long term through improvements to the West London line and "Orbi-Rail". The developer would be expected to make a significant financial contribution to these projects through S.106 contributions.
- Given the proposed improvements to public transport, the density of development proposed for the site is considered to meet the guidelines set out in the draft London Plan. The density of development proposed also allows for the delivery of a significant level of affordable and private housing on the site. The design of the scheme is of a high quality with the towers contributing positively to the London skyline and the setting of the Thames and the Lots Road Power Station. Accessibility into and through the site and the creek is a significant urban design gain. The legibility and permeability of the scheme has been further enhanced by amendments to the layout and the overall the design quality is of a high quality.

- The increased levels of affordable housing provide on the site meet the requirements of the draft London Plan. Overall, the development is in the interest of good strategic planning in London.

The application represents EIA development for the purposes of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. The Mayor has taken the environmental information made available to date into consideration in formulating his comments.

If Hammersmith & Fulham Council decides in due course that it is minded to approve the application, it should allow the Mayor fourteen days to decide whether or not to direct the Council to refuse planning permission (under article 4(1)(b)(i) of the Town & Country Planning (Mayor of London) Order 2000). You should therefore send me a copy of any officer's report on this case to your planning committee (or its equivalent), together with a statement of the permission your authority proposes to grant and of any conditions the authority proposes to impose, and a copy of any representations made in respect of the application (article 4(1)(a) of the Order).

Yours sincerely,



Giles Dolphin

Planning Decisions Manager

cc Angie Bray, London Assembly Constituency Member
 Bob Neill, Chair of London Assembly Planning and Spatial Development Committee
 Kensington & Chelsea Council
 Andrew Melville, GoL
 Sam Richards, TfL
 Anne Crane, LDA
 Jim Pool, Montagu Evans

COMMITTEE MINUTES

PLANNING APPLICATIONS COMMITTEE - 25 JUNE 2003

Present:

Councillor Wesley Harcourt (Chair)
Councillor Charlie Treloggan (Vice-chair)
Councillor Colin Aherne
Councillor Michael Cartwright
Councillor Jafar Khaled
Councillor Dame Sally Powell
Councillor Frances Stainton
Councillor Will Bethell
Councillor Greg Hands

18. Minutes of PAC meeting, 4 June 2003

18.1 RESOLVED - to agree and sign the minutes as an accurate record.

19. APOLOGIES

19.1 Apology for absence received from Councillor Donald.

20. DECLARATIONS OF INTEREST

20.1 Councillor Treloggan declared a prejudicial interest in application 002/02803/FUL, 70 Mendora Road, SW6. He left the room during discussion of the item.

21. page 3
169 Talgarth Road, W14

2002/02982/FUL

WITHDRAWN BY APPLICANT

22. page 13
169 Talgarth Road, W14

2002/02984/CAC

WITHDRAWN BY APPLICANT

23. page 15
109B Yeldham Road, W6

2001/00411/FUL

23.1 RESOLVED - that the application be approved, subject to the conditions stated in the report.

—

Was on my
desk Georgie,
is this yours?

T

PLANNING APPLICATIONS COMMITTEE - 25 JUNE 2003 - MINUTES

24. page 20 2003/01159/FUL
151 Dawes Road, SW6

24.1 RESOLVED - That the application be refused, and that enforcement action be taken for the reasons stated in the report.

25. page 26 2003/01109/FUL
41 Westwick Gardens, W14

25.1 RESOLVED - that the application be approved, subject to the conditions stated in the report.

26. page 31 2003/00930/FUL
Burlington Danes School, Du Cane Road, W12

26.1 RESOLVED - that the Director of the Environment Department be authorised to determine the application and grant permission upon the completion of a satisfactory legal agreement, subject to the conditions stated in the report.

27. page 48 2003/00942/FUL
222 Dalling Road, W6

27.1 RESOLVED - that the application be approved, subject to the conditions stated in the report.

28. page 54 2003/01364/FUL
Rear of 23 Bulwer Street, W12

28.1 RESOLVED - that the application be approved, subject to the conditions stated in the report.

29. page 63 2002/02803/FUL
70 Mendora Road, SW6

NB: see addendum, and attached map

29.1 RESOLVED - that the Director of the Environment Department be authorised to determine the application and grant permission upon the completion of a satisfactory legal agreement, subject to the conditions stated in the report.

PLANNING APPLICATIONS COMMITTEE - 25 JUNE 2003 - MINUTES

30. page 67 2002/02830/FUL
5-27 Vanston Place, SW6

30.1 RESOLVED - that the Director of the Environment Department be authorised to determine the application and grant permission upon the completion of a satisfactory legal agreement, subject to the conditions stated in the report.

31. page 75 2003/00769/FUL
86 Lysia Street, SW6

31.1 RESOLVED - That the application be refused, and that enforcement action be taken for the reasons stated in the report.

32. page 82 2002/03132/FUL
Land adjacent to south side of Chelsea Creek, Chelsea Harbour Drive,
Chelsea Harbour, London.

NB: see addendum, and list of additional background papers, attached.

A late letter from the Hammersmith and Fulham Historic Buildings Group was reported to Committee. Those points not already covered in the report were summarised verbally.

Councillor Aherne informed the panel that he was in possession of a Conservative Party Political Leaflet edited by Councillor Hands that was widely circulated in the Sands End area.

This leaflet condemned the officer's recommendation that the current Lots Road/Chelsea Harbour planning application be accepted.

Councillor Aherne then put it to Councillor Hands that as a new member of the Planning Applications Committee and editor of this leaflet, he should declare an interest and leave the meeting during the discussion and vote on this application.

Councillor Hands asked for advice from the Assistant Head of Legal Services who was at the meeting to advise members. He was then informed of the requirements of the Councillors' Code of Conduct and that it would be a matter for him to decide if the content of the leaflet that he edited would make him ineligible to participate in this decision.

PLANNING APPLICATIONS COMMITTEE - 25 JUNE 2003 - MINUTES

Councillor Hands stated that although he edited the leaflet, it did not mean that he necessarily agreed with all of its contents.

He decided to remain at the meeting to take part in the discussions and to vote on the application.

32.1 RESOLVED - that the application be approved, subject to the conditions stated in the report, and to the amendments shown in the addendum.

VOTING IN FAVOUR: Councillors Harcourt, Treloggan, Aherne, Cartwright, Khaled, Powell.

VOTING AGAINST: Councillors Stainton, Bethell, Hands.

33. page 197
461 - 465 North End Road, SW6

2003/00192/FUL

33.1 RESOLVED - that the application be approved, subject to the conditions stated in the report.

34 page 203
BBC White City, Wood Lane, W12

appendix 1

34.1 RESOLVED - (a) to approve the alteration of the Section 106 legal agreement to the effect that the provisions of the agreement dated 7 September 2001 relating to a £1m (index-linked) subsidy towards the rent of new starter media businesses be amended to allow the Council to take a lease of the ground floor of the north perimeter building for a period of 10 years and 6 months.

(b) to approve the amendment of the section 106 legal agreement to allow the security gatehouse to be placed on the safeguarded strip.

Meeting began 7:00pm
Meeting ended 9:35pm

CHAIR.....

PLANNING APPLICATIONS COMMITTEE –
Addendum 25.06.2003

<u>Reg. No:</u>	<u>Site Address:</u>	<u>Ward</u>	<u>Page</u>
2002/02803/FUL	70 Mendora Road, SW6	Fulham Broadway	63

Page 64 Revise recommendation to read: "That the Committee resolve that the Director of the Environment Department be authorised to determine the application and grant permission upon the completion of a satisfactory legal agreement, subject to the condition(s) set out below

- 1 The development hereby permitted shall not commence later than the expiration of 5 years beginning with the date of this planning permission.

Condition required to be imposed by section 91(1)(a) of the Town and Country Planning Act 1990."

2002/03132/FUL	Land Adjacent to South Side of Chelsea Creek, Chelsea Harbour Drive, Chelsea Harbour, London	Sands End	82
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Page 84 Further Recommendation: delete "outline" in the first line.

Condition 3: delete "provision" in line 3 and substitute "retention and display" and after "historic artefacts and" add "provision of".

Page 86 Condition 9: delete "No development approved by this permission shall be commenced until" and substitute "Before any works thereby affected are begun" and delete "is" in line 2 and substitute "must be".

Condition 10: delete "No development approved by this permission shall be commenced until" and substitute "Before any works thereby affected are begun" and delete "is" in line 2 and substitute "must be".

Condition 11: delete "No development approved by this permission shall be commenced until" and substitute "Before any works thereby affected are begun" and delete "has been" in line 3 and substitute "must first be". Delete and implemented to the satisfaction of" in line 4.

Page 87 Condition 15: delete "No development approved by this permission shall be commenced until" and substitute "Before any works thereby affected are begun" and delete "is" in line 3 and substitute "must be".

Condition 16: delete second and third sentences.

Page 88 Condition 21: add "s" to "area" in line 3

Page 89 Condition 24: delete "use of the stadium or" in line 5.

Page 90 Condition 27: delete as a condition and attach as an informative.

Add Additional Condition 30:

Before any works to the creek are commenced a detailed photographic survey of Chelsea Creek must be undertaken and a copy lodged with the Archive Department of the London Borough of Hammersmith and Fulham. To enable an historic record to be kept of Chelsea Creek.

(Continued overleaf...)

PLANNING APPLICATIONS COMMITTEE –
Addendum 25.06.2003

2002/03132/FUL Land Adjacent to South Side of Chelsea Creek,
Chelsea Harbour Drive, Chelsea Harbour, London
(Amendments continued from previous page)

Sands End

82

Page 90 Add Additional Condition 31:

The eight trees nos.1-8 subject to Tree Preservation Order ref: 297/6/01 shall be relocated 4.3 Metres north of the retained trees nos.9-16

To ensure the presentation of trees in accordance with Policy EN25 of the adopted Unitary Development Plan.

Officer's Report

Page 104 para. 2.6: delete "122" in line 5 and substitute "85".

Page 118 para. 4.4: delete "linked" in line 7 and substitute "listed"

Page 151 para. 7.58: delete "objection" in line 10 and substitute "obligation"

Page 151 para. 7.57: delete "an educational museum" in line 4.

Page 155 para. 7.76: delete "consultants" in line 6 and substitute "consultations"

Page 159 delete para. 8.16

Lots Road Drawing List

LRTW4/PA/	03 -	000; 001; 002A; 003A;
	04 -	001; 002A; 003; 004;
	06 -	020A; 021B; 022A; 023A; 025A; 026A; 027A; 028A; 029; 030A; 031A; 032; 033A; 034;
	07 -	003; 004; 005; 006;
	08 -	106; 107A; 108B; 109; 110A; 111A;
589		01A; 02A; 03B; 04B; 05; 06; 07; 08; 09; 10; 11; 12; 13; 14; 15; 16A; 17A; 18; 19; 20; 21;

PLANNING APPLICATIONS COMMITTEE

MEMBERSHIP

Councillor Wesley Harcourt (Chair)
Councillor Charlie Treloggan (Vice-Chair)
Councillors Colin Ahern, Michael Cartwright, Jafar Khaled, Dame Sally Powell,
Frances Stainton, Will Bethell, Caroline Donald, Greg Hands

(10 copies)

OTHER COUNCILLORS' REQUESTS

Councillors Chris Allen, Brendan Bird, Huw Davies, Ivan Gibbons, Alex Karmel, Antony Lillis

(6 copies)

DATE: WEDNESDAY 25 JUNE 2003

TIME: 7:00 PM

VENUE: COMMITTEE ROOM 1
HAMMERSMITH TOWN HALL
KING STREET, W6

SMOKING IS NOT
PERMITTED DURING
MEETINGS

Loop hearing system : 48 hours' advance notice required to Co-ordinator Richard Leigh,
telephone 020 8753 2076, or extension 2076.

For queries concerning a specific planning application, please call the Case Officer.

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

**APP NO. PP/02/01324/MAJM
MAJOR APPLICATIONS COMMITTEE 28/10/2003
AGENDA ITEM NO. A1**

SITE ADDRESS

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

**APPLICATION
DATED**

07/06/2002

**APPLICATION
COMPLETE**

17/06/2002

**APPLICATION
REVISED**

13/12/2002
05/03/2003

10/07/2003

*NB
Superseded by Appeal
Scheme*

APPLICANT/AGENT ADDRESS

**Addleshaw Goddard
150 Aldersgate Street
London EC1A 4EJ**

**LISTED
BUILDING** No

**CONS.
AREA** N/A

WARD Cremorne

CAPS No

**ENGLISH
HERITAGE** N/A

ART '4' No

CONSULTED
2322

OBJECTIONS
295

SUPPORT
10

PETITION
1

Applicant Circadian Ltd.,

PROPOSAL: Conversion of Power Station to provide a mix of residential, retail, office, business and restaurant uses, together with erection of a 25 storey residential tower with ground floor gym, a 3-8 storey building incorporating commercial and residential uses, a 9 storey residential building, associated parking, servicing and landscaping, and works to Chelsea Creek, including three pedestrian bridges.

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

Applicant's Drawing No(s): PP/02/1324/B, PP/02/1324/C & PP/02/1324/D

?

Applicant's Drawing No(s): LRTW4/PA/00-001, LRTW4/PA/03-001, LRTW4/PA/03-002-A, LRTW4/PA/03-003-A, LRTW4/PA/04-01, LRTW4/PA/04-003, LRTW4/PA/04-004, LRTW4/PA/04-005, LRTW4/PA/04-006, LRTW4/PA/04-007, LRTW4/PA/05-001-A, LRTW4/PA/05-002-A, LRTW4/PA/05-003-A, LRTW4/PA/05-004-A, LRTW4/PA/05-005-A, LRTW4/PA/05-006-A, LRTW4/PA/05-007-B, LRTW4/PA/05-008-B, LRTW4/PA/05-009-A, LRTW4/PA/05-010-A, LRTW4/PA/05-011-A, LRTW4/PA/05-012-A, LRTW4/PA/05-013-A, LRTW4/PA/05-014-A, LRTW4/PA/05-015-A, LRTW4/PA/05-016-A, LRTW4/PA/05-017-A, LRTW4/PA/05-018, LRTW4/PA/05-019-A, LRTW4/PA/07-001, LRTW4/PA/07-002, LRTW4/PA/07-004, LRTW4/PA/07-007, LRTW4/PA/08-101, LRTW4/PA/08-102, LRTW4/PA/08-103, LRTW4/PA/08-104-A, LRTW4/PA/08-105, LRTW4/PA/09-001, 589/01A, 589/02A, 589/03A, 589/04A, 589/05, 589/06, 589/07A, 589/08, 589/09B, Unnumbered illustrations of landscaping materials and fixtures, Environmental Statement consisting of Non-technical Summary, Environmental Statement, Appendix A1 Analysis, A2 Tall Buildings Justification, B Socio Economic Studies, C1 Built Heritage, Townscape & Visual Assessment, C2 Standing Building Assessment, D1 Archaeological Assessment, D2 Monitoring of Geotechnical Boreholes, E Options for Chelsea Creek, F1 Evaluation of Ecological Receptors, F2 Intertide Ecological Survey, F3 Bird Survey, F4 Invertebrate Assessment, G1 Review of Decommissioning Scope of Works, G2 Asbestos Report, G3 Site Investigation/Environmental Assessment Summary Report, H Transport Assessment, I Dispersion Modelling Study, J Noise & Vibration, K1 Wind Tunnel Test Results, K2 Sunlight & Daylight Report, L Television Reception Interference Report, M Draft Environmental Management Plan, Addendum February 2003 Re Air Quality/Traffic/ River Transport.

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

RECOMMENDED DECISION: **Grant planning permission**

CONDITIONS/REASONS FOR THE IMPOSITION OF CONDITIONS:

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

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

(n) An access statement.

(C011)

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

(R011)

3. No more than four of the off-street car parking spaces within the development hereby permitted shall be used by occupiers of the Class B1 employment units.
Reason - To ensure the satisfactory provision of off street parking for the proposed mix of uses within the development.
4. No more than thirty six of the off-street car parking spaces within the development hereby permitted shall be used for public car parking.
Reason - To ensure the satisfactory provision of off street parking for the proposed mix of uses within the development.
5. Parking spaces for two Kensington and Chelsea Community Trust vehicles shall be provided and thereafter retained.
Reason - To ensure the satisfactory provision of off street parking for the proposed mix of uses within the development.
6. Notwithstanding the provisions of the Town & Country Planning (Use Classes) Order 1987 or any subsequent statute re-enacting or modifying that order, the Class B1 units located on the ground and basement floors of the development hereby permitted shall be used only for purposes falling within use classes B1(b) and (c) and for no other purposes without the prior permission in writing of the Executive Director, Planning & Conservation.
Reason - To ensure appropriate provision of employment floorspace in this designated employment zone.
7. Notwithstanding the provisions of the Town & Country Planning (Use Classes) Order 1987 or any subsequent statute re-enacting or modifying that order, the ground floor unit identified as a Nursery on plan no. LRTW4/PA/05-004-A shall be used solely as a Class D1(b) Creche or Day Nursery unless otherwise agreed in writing by the Executive Director, Planning & Conservation.
Reason - To ensure adequate provision of nursery facilities in the vicinity.
8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), no aerials, antennae, satellite dishes or related telecommunications equipment shall be erected on any part of the development hereby permitted, without planning permission first being obtained.
Reason - To safeguard the appearance of the buildings/area.

9. **The ground floor unit identified as a food store on plan no. LRTW4/PA/05-004-A shall be used solely as retail convenience food store falling within Class A1 unless otherwise agreed in writing by the Executive Director, Planning & Conservation.**
Reason - To ensure adequate provision of local convenience shopping facilities in the vicinity.
10. **The central and westernmost bridges across Chelsea Creek shall be completed and open for use by the public on substantial completion of the development.**
Reason - To ensure adequate provision of pedestrian access to the development and public open space.
11. **The gymnasium on the ground and first floors of building KC1 shall be available for use solely by residents of the development hereby permitted unless otherwise agreed in writing by the Executive Director, Planning & Conservation.**
Reason - To ensure use of the facility does not give rise to activity detrimental to the amenities of neighbouring residential property and the free flow and safety of traffic.
12. **Prior to the opening of the Thames Path extension and creek bridges hereby approved for use by the public, riparian life saving equipment to include grab chains, access ladders and lifebuoys shall be provided to a standard recommended in the 1991 Hayes Report on the Inquiry into River Safety in accordance with details to be first submitted to and agreed in writing by the Executive Director, Planning & Conservation and so retained.**
Reason - To ensure the creation of a safe environment for users of the path and bridges.
13. **The proposals shall not result in a net loss of tidal flood storage volume. This volume is to be calculated as that below the flood defence level of 5.41 metres ODN and above an accepted silted profile of the Creek. Prior to development commencing, both the degree of siltation and methodology for calculating the volume shall be agreed by the Local Planning Authority.**
Reason - To prevent the increase of water levels upstream and downstream of this site and an increase in the risk of flooding due to a reduction in flood storage capacity.
14. **Before any works affecting the creek are begun, a scheme for the treatment of the Creek bed shall be submitted to and approved in writing by the Executive Director, Planning & Conservation. The scheme shall then be completed in accordance with the details agreed and so retained.**
Reason - To protect and enhance the ecological value of the River Thames.
15. **Prior to the commencement of development a scheme for the enhancement of the riverside to include intertidal terraces alongside the River/Creek shall be submitted to and approved in writing by the**

Executive Director, Planning & Conservation. The scheme shall be implemented as approved and shall include the design, method of construction, dimensions, elevation (in relation to tidal levels) and materials.

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

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

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

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

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

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

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

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

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

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

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

21. **No development shall take place until the implementation of a programme of archaeological work in accordance with a written scheme of investigation submitted to and approved in writing by the Executive Director, Planning and Conservation, has been secured. The development shall only take place in accordance with the detailed scheme so approved. The archaeological works shall be carried out by a suitably qualified investigating body approved in writing by the Executive Director, Planning and Conservation.**
(C100)
Reason - To minimise damage to any archaeological remains that may exist on site and to ensure satisfactory recording in accordance with the guidance contained in Planning Policy Guidance Note 16, and the Council's policies. (R100)
22. **No development shall take place until the applicant has secured the implementation of a programme of recording and historic analysis, which considers building structure, architectural detail and archaeological evidence. This shall be undertaken in accordance with a written scheme of investigation submitted to and approved in writing by the Local Planning Authority.**
Reason - To ensure satisfactory recording in accordance with the guidance contained in Planning Policy Guidance Note 16, and the Council's policies.

INFORMATIVES

1. I10
2. I02
3. I08
4. I43
5. The applicant's attention is drawn to the status of the adjacent Cremorne Wharf site as a statutorily safeguarded working wharf. You are therefore advised to give consideration to the provision of measures to safeguard future residential occupiers of the development from potential noise or activity from the adjacent commercial site.
6. Under the terms of the Water Resources Act 1991, the prior written consent of the Environment Agency is required for any discharge of sewage or trade effluent into controlled waters (eg. watercourses and underground waters), and may be required for any discharge of surface water to such

controlled waters or for any discharge of sewage or trade effluent from buildings or fixed plant into or onto ground or into waters which are not controlled waters. Such consent may be withheld. Contact The Environment Agency, Environmental Protection, Water Quality on 01707 632300 for further details.

7. Under the terms of the Water Resources Act 1991, the prior written consent of the Environment Agency is required for dewatering from any excavation or development to a surface watercourse. Contact The Environment Agency, Environmental Protection, Water Quality on 010707 632300 for further details.
8. You are advised that the remaining steel skeleton frame in the Turbine and Boiler Rooms, identified in the standing building assessment (ES appendix C2), is considered to inform presentation of the history of the building. You are therefore invited to consult with English Heritage (Archaeology) with a view to incorporating some retention of these elements in the completed development.
9. The reasons and considerations on which this decision is based are the provisions of the development plan, the material considerations contained in the officer's report together with those raised in the course of debate at the Committee meeting, including the environmental information contained in the applicant's Environmental Statement and all representations made about the environmental effects of the proposed development.
10. You are advised that a number of relevant policies of the Unitary Development Plan were used in the determination of this case, in particular, Policies STRAT9, STRAT10, STRAT11, STRAT12, STRAT13, STRAT20, STRAT22, STRAT23, STRAT25, STRAT26, STRAT27, STRAT28, STRAT29, STRAT30, STRAT31, STRAT32, STRAT34, STRAT44, STRAT46, STRAT47, STRAT48, STRAT49, STRAT50, STRAT52, CD1, CD2, CD5, CD6, CD7, CD13, CD14, CD15, CD16, CD27, CD27, CD28, CD33, CD36, CD37, CD63, CD92, H12, H23, TR1, TR2, TR3, TR4, TR5, TR6, TR8, TR9, TR12, TR13, TR14, TR15, TR16, TR17, TR23, TR24, TR27, TR31, TR32, TR33, TR34, TR35, TR36, TR37, TR38, TR41, TR42, TR44, E1, E5, E11, E20, E23, E25, E27, LR2, LR13, LR19, LR26, LR36, PU3, PU4, SC4 & SC6 (I51)

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

APP NO. PP/02/01324/MAJM

MAJOR PLANNING APPLICATIONS COMMITTEE 15/09/2003

AGENDA ITEM NO. A1

SITE ADDRESS

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

**APPLICATION
DATED**

07/06/2002

**APPLICATION
COMPLETE**

17/06/2002

**APPLICATION
REVISED**

13/12/2002
05/03/2003

10/07/2003

APPLICANT/AGENT ADDRESS

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

**LISTED
BUILDING**

No

**CONS.
AREA**

N/A

WARD Cremorne

CAPS

No

**ENGLISH
HERITAGE**

N/A

ART '4' No

CONSULTED

2145

OBJECTIONS

282

SUPPORT

2

PETITION

1 (6 sigs)

Applicant Circadian Ltd.,

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

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

Applicant's Drawing No(s): LRTW4/PA/00-001, LRTW4/PA/03-001, LRTW4/PA/03-002-A, LRTW4/PA/03-003-A, LRTW4/PA/04-01, LRTW4/PA/04-003, LRTW4/PA/04-004, LRTW4/PA/04-005, LRTW4/PA/04-006, LRTW4/PA/04-007, LRTW4/PA/05-001-A, LRTW4/PA/05-002-A, LRTW4/PA/05-003-A, LRTW4/PA/05-004-A, LRTW4/PA/05-005-A, LRTW4/PA/05-006-A, LRTW4/PA/05-007-B, LRTW4/PA/05-008-B, LRTW4/PA/05-009-A, LRTW4/PA/05-010-A, LRTW4/PA/05-011-A, LRTW4/PA/05-012-A, LRTW4/PA/05-013-A, LRTW4/PA/05-014-A, LRTW4/PA/05-015-A, LRTW4/PA/05-016-A, LRTW4/PA/05-017-A, LRTW4/PA/05-018, LRTW4/PA/05-019-A, LRTW4/PA/07-001, LRTW4/PA/07-002, LRTW4/PA/07-004, LRTW4/PA/07-007, LRTW4/PA/08-101, LRTW4/PA/08-102, LRTW4/PA/08-103, LRTW4/PA/08-104-A, LRTW4/PA/08-105, LRTW4/PA/09-001, 589/01A, 589/02A, 589/03A, 589/04A, 589/05, 589/06, 589/07A, 589/08, 589/09B, Unnumbered illustrations of landscaping materials and fixtures, Environmental Statement consisting of Non-technical Summary, Environmental Statement, Appendix A1 Analysis, A2 Tall Buildings Justification, B Socio Economic Studies, C1 Townscape & Visual Assessment, C2 Standing Building Assessment, D1 Archaeological Assessment, D2 Monitoring of Geotechnical Boreholes, E Options for Chelsea Creek, F1 Evaluation of Ecological Receptors, F2 Intertide Ecological Survey, F3 Bird Survey, F4 Invertebrate Assessment, G1 Review of Decommissioning Scope of Works, G2 Asbestos Report, G3 Site Investigation/EA Summary Report, H Transport Assessment, I Dispersion Modelling Study, J Noise & Vibration, K1 Wind Tunnel Test Results, K2 Sunlight & Daylight Report, L Television Reception Interference Report, M Draft Environmental Management Plan, Addendum February 2003 Re Air Quality/Traffic/ River Transport.

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

RECOMMENDED DECISION: **Grant planning permission**

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

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

CONDITIONS/REASONS FOR THE IMPOSITION OF CONDITIONS:

1. **The development hereby permitted shall be begun before the expiration of five years from the date of this permission. (C001)**
Reason - As required by Section 91 of the Town and Country Planning Act 1990, to avoid the accumulation of unexercised Planning Permissions. (R001)
2. **Full particulars of the following shall be submitted to and approved in writing by the Executive Director, Planning and Conservation before the development hereby permitted commences and the development shall not be carried out otherwise than in accordance with the details so approved; unless otherwise agreed by the Executive Director, Planning and Conservation.**
 - (a) **Improvements to the junction of Lots Road and Cremorne Road**
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 - (c) **The detailed design of cycle parking facilities within the development**
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 - (j) **The detailed design and materials of the main loading bay door to the power station building on the Lots Road elevation**
 - (k) **Details of the hours of opening and the**

means of gating the central and western creek bridges outside the trading hours of the commercial units within the power station building

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

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

(n) An access statement.

(C011)

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

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

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

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

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

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

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

6. Notwithstanding the provisions of the Town & Country Planning (Use Classes) Order 1987 or any subsequent statute re-enacting or modifying that order, the Class B1 units located on the ground and basement floors of the development hereby permitted shall be used only for purposes falling within use classes B1(b) and (c) and for no other

purposes without the prior permission in writing of the Executive Director, Planning & Conservation.

Reason - To ensure appropriate provision of employment floorspace in this designated employment zone.

7. **Notwithstanding the provisions of the Town & Country Planning (Use Classes) Order 1987 or any subsequent statute re-enacting or modifying that order, the ground floor unit identified as a Nursery on plan no. LRTW4/PA/05-004-A shall be used solely as a Class D1(b) Creche or Day Nursery unless otherwise agreed in writing by the Executive Director, Planning & Conservation.**
Reason - To ensure adequate provision of nursery facilities in the vicinity.
8. **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), no aerials, antennae, satellite dishes or related telecommunications equipment shall be erected on any part of the development hereby permitted, without planning permission first being obtained.**
Reason - To safeguard the appearance of the buildings/area.
9. **The ground floor unit identified as a food store on plan no. LRTW4/PA/05-004-A shall be used solely as retail convenience food store falling within Class A1 unless otherwise agreed in writing by the Executive Director, Planning & Conservation.**
Reason - To ensure adequate provision of local convenience shopping facilities in the vicinity.
10. **The central and westernmost bridges across Chelsea Creek shall be completed and open for use by the public on substantial completion of the development.**
Reason - To ensure adequate provision of pedestrian access to the development and public open space.
11. **The gymnasium on the ground and first floors of building KC1 shall be available for use solely by residents of the development hereby permitted unless otherwise agreed in writing by the Executive Director, Planning & Conservation.**
Reason - To ensure use of the facility does not give rise to activity detrimental to the amenities of neighbouring residential property and the free flow and safety of traffic.

12. **Prior to the opening of the Thames Path extension and creek bridges hereby approved for use by the public, riparian life saving equipment to include grab chains, access ladders and lifebuoys shall be provided to a standard recommended in the 1991 Hayes Report on the Inquiry into River Safety in accordance with details to be first submitted to and agreed in writing by the Executive Director, Planning & Conservation and so retained.**
Reason - To ensure the creation of a safe environment for users of the path and bridges.
13. **The proposals shall not result in a net loss of tidal flood storage volume. This volume is to be calculated as that below the flood defence level of 5.41 metres ODN and above an accepted silted profile of the Creek. Prior to development commencing, both the degree of siltation and methodology for calculating the volume shall be agreed by the Executive Director, Planning and Conservation.**
Reason - To prevent the increase of water levels upstream and downstream of this site and an increase in the risk of flooding due to a reduction in flood storage capacity.
14. **Before any works affecting the creek are begun a scheme for the treatment of the Creek bed shall be submitted to and approved in writing by the Executive Director, Planning & Conservation. The scheme shall then be completed in accordance with the details agreed and so retained.**
Reason - To protect and enhance the ecological value of the River Thames.
15. **Prior to the commencement of development a scheme for the enhancement of the riverside to include intertidal terraces alongside the River/Creek shall be submitted to and approved in writing by the Executive Director, Planning & Conservation. The scheme shall be implemented as approved and shall include the design, method of construction, dimensions, elevation (in relation to tidal levels) and materials.**
Reason - To protect and enhance the ecological value of the River Thames.
16. **Before any works affecting the creek are begun, a methodology for the phasing of works to the creek shall be submitted to and approved in writing by the Executive Director, Planning and Conservation.**

Works shall be completed in accordance with the agreed details and so retained.

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

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

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

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

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

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

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

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

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

development.

- 21. No development shall take place until the implementation of a programme of archaeological work in accordance with a written scheme of investigation submitted to and approved in writing by the Local Planning Authority, has been secured.**

The development shall only take place in accordance with the detailed scheme so approved. The archaeological works shall be carried out by a suitably qualified investigating body approved in writing by the Executive Director, Planning and Conservation.

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

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

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

INFORMATIVES

1. I10
2. I02
3. I08
4. I43
5. The applicant's attention is drawn to the status of the adjacent Cremorne Wharf site as a statutorily safeguarded working wharf. You are therefore advised to give consideration to the provision of measures to safeguard future residential occupiers of the development from potential noise or activity from the adjacent commercial site.
6. Under the terms of the Water Resources Act 1991, the prior written consent of the Environment Agency is required for any discharge of sewage or trade effluent into controlled waters (eg. watercourses and underground waters), and may be required for any discharge of surface water to such controlled waters or for any discharge of sewage or trade

effluent from buildings or fixed plant into or onto ground or intowaters which are not controlled waters. Such consent may be withheld. Contact The Environment Agency, Environmental Protection, Water Quality on 01707 632300 for further details.

7. Under the terms of the Water Resources Act 1991, the prior written consent of the Environment Agency is required for dewatering from any excavation or development to a surface watercourse. Contact The Environment Agency, Environmental Protection, Water Quality on 010707 632300 for further details.
8. You are advised that the remaining steel skeleton frame in the Turbine and Boiler Rooms, identified in the standing building assessment (ES appendix C2), is considered to inform presentation of the history of the building. You are therefore invited to consult with English Heritage (Archaeology) with a view to incorporating some retention of these elements in the completed development.
9. The reasons and considerations on which this decision is based are the provisions of the development plan, the material considerations contained in the officer's report together with those raised in the course of debate at the Committee meeting, including the environmental information contained in the applicant's Environmental Statement and all representations made about the environmental effects of the proposed development.
10. I51. STRAT9, STRAT10, STRAT11, STRAT12, STRAT13, STRAT20, STRAT22, STRAT23, STRAT25, STRAT26, STRAT27, STRAT28, STRAT29, STRAT30, STRAT31, STRAT32, STRAT34, STRAT44, STRAT46, STRAT47, STRAT48, STRAT49, STRAT50, STRAT52, CD1, CD2, CD5, CD6, CD7, CD13, CD14, CD15, CD16, CD27, CD27, CD28, CD33, CD36, CD37, CD63, CD92, H12, H23, TR1, TR2, TR3, TR4, TR5, TR6, TR8, TR9, TR12, TR13, TR14, TR15, TR16, TR17, TR23, TR24, TR27, TR31, TR32, TR33, TR34, TR35, TR36, TR37, TR38, TR41, TR42, TR44, E1, E5, E11, E20, E23, E25, E27, LR2, LR13, LR19, LR26, LR36, PU3, PU4, SC4 & SC6.

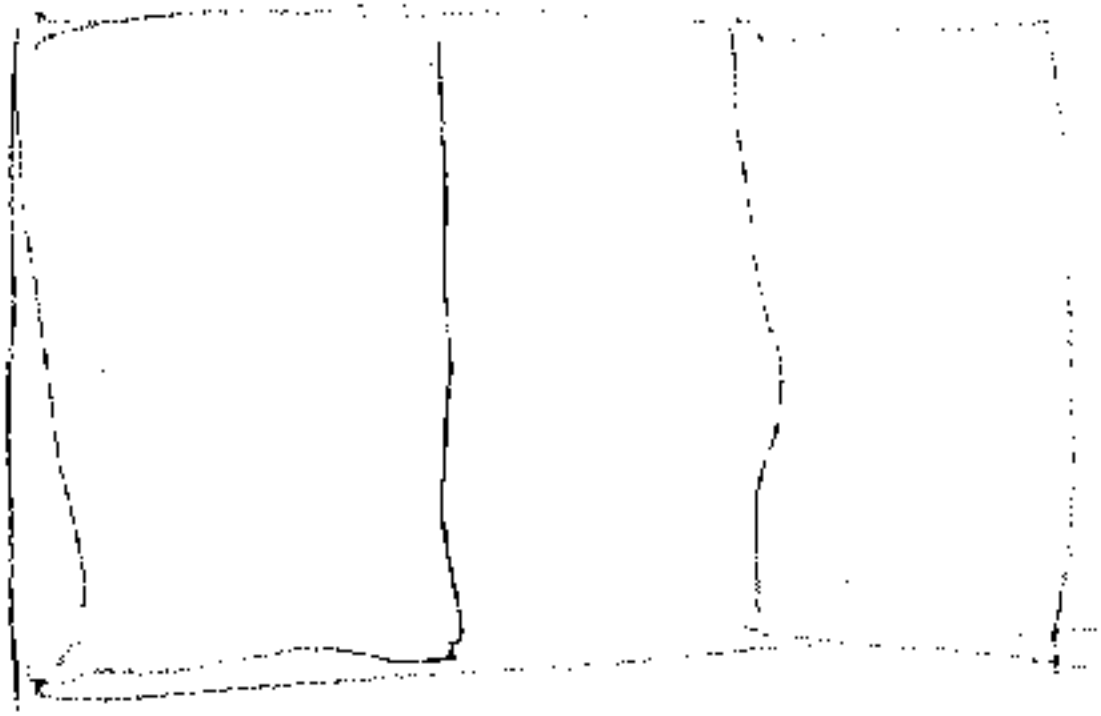
site, the following four core areas of concern have been identified:

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

3.0 THE SITE

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

KC3



Sub computing
182 + 800 hrs

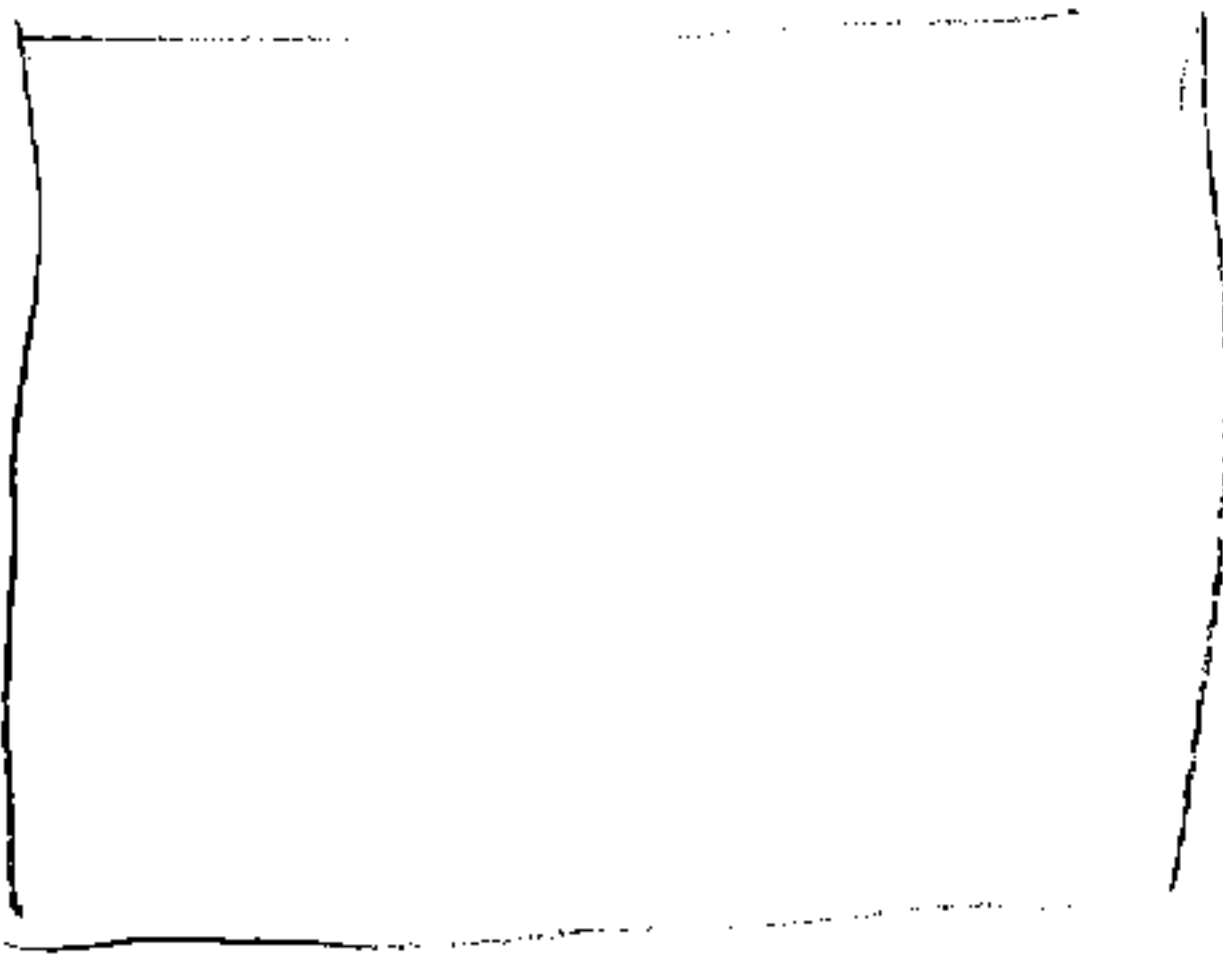
base 2180005 sites

class B1 245 sq

D1 180 sqm grd

Comp. pot. 200 250 pmda
110 aff
40 commercial

KC1

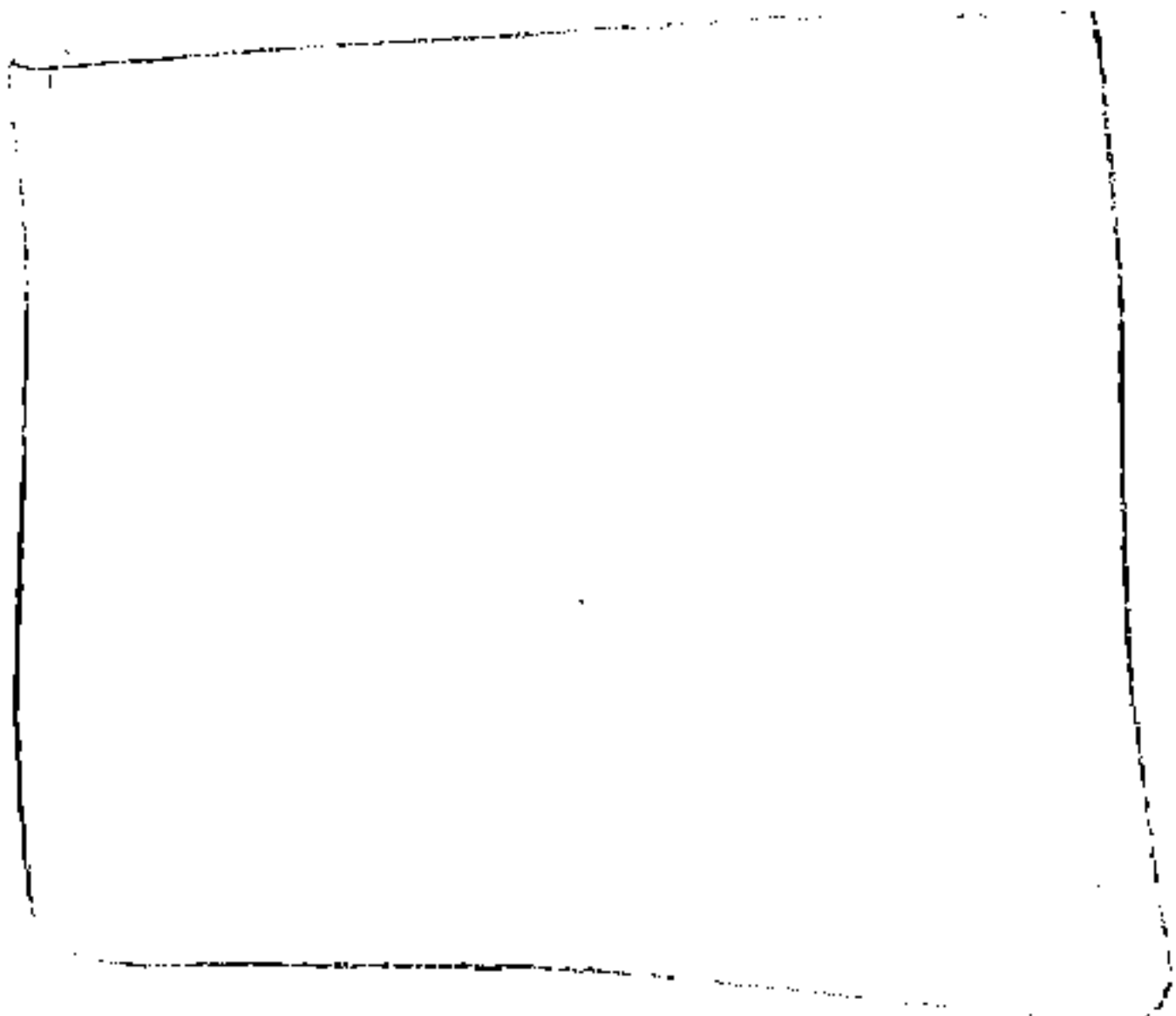
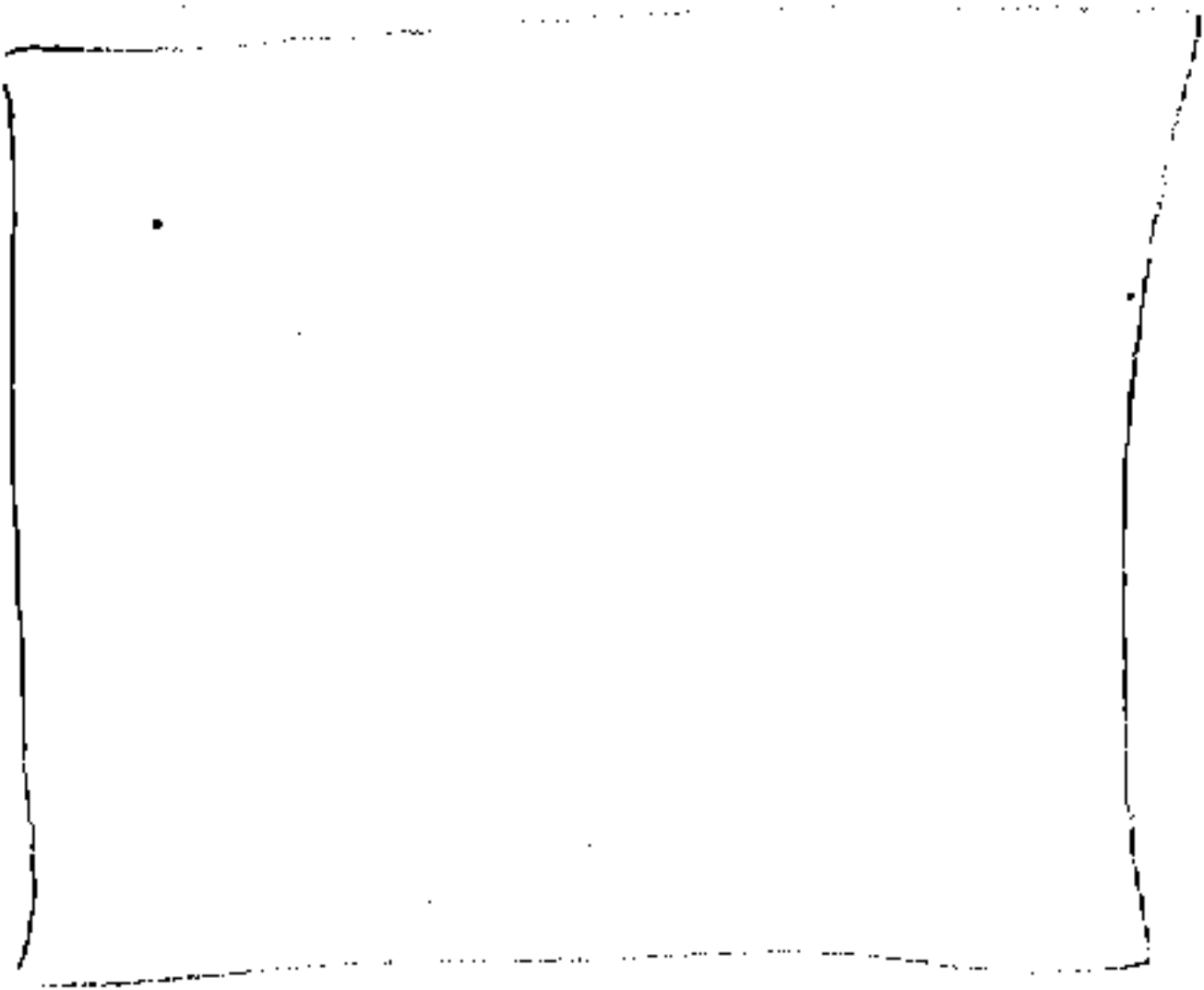


40m long 21 wide

GYMNASIUM

Class B1 Workshop

2-25 residential 40 pmda



Harbour which was originally intended to form a second phase of that development.

4.0 PROPOSAL DETAILS

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

4.2 Basements and Parking Areas

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

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

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

4.3 The Residential Tower KC1

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

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

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

4.4 The East Yard Buildings KC2

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

4.5 The Power Station Building

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

- 4.5.6 Floors 2-12 would contain a further 252 residential flats (In addition to the 4 at ground floor level) of which 39 on the 2nd-4th floors would be RSL shared ownership flats and 22 on the 2nd floor would be 'entry level' units for designated Key Workers.

4.6 **The West Yard Building KC4**

- 4.6.1 The proposed building in the west yard would replace an existing metal clad structure of approximately 8 storeys equivalent height which houses water pumps and switchgear associated with the power station and dates from the early 1960s. The new building would have 42m frontage to Lots Road creek. It would contain 50 affordable one, two and three bedroom residential units for rent on nine floors.
- 4.6.2 The remainder of the west yard falls outside the application site and contains a building housing the transformers which link the Underground system to the national grid.

4.7 **Chelsea Creek Walkways and Open Space**

- 4.7.1 In the absence of the flow of cooling water from the operational power station it is estimated the creek would silt up completely in a period of 20-30 years. The application proposes a programme of remedial measures to compensate for the effect of ceasing the discharge of water from the de-commissioned power station.
- 4.7.2 The creek walls would be reduced in height and a series of terraces formed flanking a 10m wide channel. The terracing would provide a range of plant and wildlife habitats and increase the flood storage capacity of the creek.
- 4.7.3 The creation of sufficient flow to prevent silting would entail a combination of rainwater runoff from the development, discharge of cooling water from the buildings, groundwater abstraction and pumped water abstraction from the River Thames.
- 4.7.4 The proposal would make provision for an extension of the Thames Path riverside walkway across the RBKC site. This would consist of a bridge across the creek mouth linking the site to the LBH&F section and continuing along the river bank to provide a point where it can be linked in future to a section on the adjacent Cremorne Wharf site. In the interim the walkway would be routed onto Lots Road via the 'plaza' laid out between the eastern end of the power station and block KC2.
- 4.7.5 The 'plaza' consisting of the open area between KC2 and KC3 would cover creek between the central and eastern bridges. It would provide the main pedestrian link from Lots Road to the river. The 'street' space within the power station open to the public would cover some 0.42ha within the building and link Lots Road to the central and eastern creek bridges. It would however be indoors and subject to closure outside trading hours of the commercial units.

4.8 Tables

4.8.1 Schedule of Proposed Residential Accommodation

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

RESIDENTIAL SITE AREA

2.077ha (5.13a)

RESIDENTIAL DENSITY

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

4.8.2 Schedule of Class B1 (Business Units

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

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

No.	Location	Floorspace (sq.m.)	Use Class	Description
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1.0 INTRODUCTION

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

1	KC1 Ground/first	813	C3	Residents' Gym
2	KC2 Ground	400	D1(b)	Day Nursery
3	KC3 Ground	82	A2	Transport Management
4	KC3 Basement/Ground	445	D1(g)	Community Centre
5	KC3 Ground	157	A3	Café*
6	KC3 Ground	132	A1	Bakers*
7	KC3 Ground	114	A1	Newsagent*
8	KC3 Ground	165	A1	Sandwich Bar*
9	KC3 Ground	273	A1/A2	Estate Agent*
10	KC3 Ground	132	D1(a)	Doctors' Surgery
11	KC3 Ground	55	A1	Post Office*
12	KC3 Ground	150	C3	Estate Office
13	KC3 Ground	459	A1	Food Store
14	KC3 Ground	371	A3	Restaurant*
TOTAL		3748		

* Indicative occupiers

4.9 Hammersmith & Fulham Site

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

5.0 PLANNING HISTORY

5.1 The modified UDP adopted in May 2002 identifies the Lots Road site in the Schedule of Major Development Sites as suitable for Residential, including affordable housing, Business (Offices, Light Industrial, R&D), Artists' studios, Social and Community and Education uses. Policies H15 (Requiring

a substantial proportion of housing on the site) and H23 (Requiring negotiation and retention of a significant proportion of affordable housing on the site) are of relevance. The site is included within the Lots Road Employment Zone in recognition of its potential for business as well as residential development. It is therefore subject to Policy E27 which requires the provision of business uses in proposals for the development of sites in employment zones.

- 5.2 A planning brief issued in February 1999 in respect of the site envisaged a primarily residential development with at least one third of units providing affordable housing and supporting commercial and community uses. It development would be likely to underwrite effective decontamination and remediation necessitated by the history of power station use.
- 5.3 The brief envisaged residential development at a density of 350 habitable rooms per hectare. It suggested that if the power station building were retained, all other new buildings should be subordinate in height to it. It indicated high buildings would be resisted and suggested that development on the Lots Road frontage should achieve a harmonious balance with the three storey buildings on the north side. Development as envisaged by the brief was intended to protect important views from the river and the south bank and have regard to the impact on sunlight and daylight conditions.
- 5.4 A proposal for the redevelopment of this site excluding the additional land in the west yard was submitted to this authority in parallel with an application to the London Borough of Hammersmith and Fulham, in June 2001. It proposed a mixed use scheme for refurbishment of the power station building including an internal street and thirteen floors of accommodation; a 130m, 39 storey high residential tower at the creek mouth; and an 8 storey building around a courtyard in the east yard. The scheme contained 448 flats of which 136 were described as 'key worker' units.
- 5.5 The application was considered by this committee on 20th March 2002. Planning permission was refused for the following reasons. In brackets, where appropriate, are the revised policy numbers from the final published version of the modified UDP:

- "1. The proposal would involve construction of a high building in an inappropriate location which would be harmful to the skyline, detrimental to the character and appearance of the area and to important views from neighbouring conservation areas and open spaces, contrary to the provisions of the Unitary Development Plan and Proposed Modifications thereto, in particular Policies CD4 (CD6), CD11 (CD13), CD12 (CD14), CD13 (CD15), CD14 (CD16) and CD31 (CD37).**
- 2. The proposal by virtue of its height and bulk would adversely affect sunlight and daylight conditions and contribute to a sense of enclosure to neighbouring residential property contrary to the provisions of the Unitary Development Plan and Proposed Modifications thereto, in particular Policies CD28 (CD33) and**

CD30a (CD36).

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

6.0 ENVIRONMENTAL STATEMENT

- 6.1** The application falls within criteria under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, which require a report identifying, describing and assessing the effect the development is likely to have on the environment. A full Environmental Statement (ES) prepared on behalf of the applicants has been submitted with this application. The ES consists of a main written statement, a non-technical summary and 22 appendices consisting of: A1 Analysis, A2 Tall Buildings Justification, B Socio Economic Studies, C1 Townscape & Visual Assessment, C2 Standing Building Assessment, D1 Archaeological Assessment, D2 Monitoring of Geotechnical Boreholes, E Options for Chelsea Creek, F1 Evaluation of Ecological Receptors, F2 Intertide Ecological Survey, F3 Bird Survey, F4 Invertebrate Assessment, G1 Review of Decommissioning Scope of Works, G2 Asbestos Report, G3 Site Investigation/EA Summary Report, H Transport Assessment, I Dispersion

Modelling Study, J Noise & Vibration, K1 Wind Tunnel Test Results, K2 Sunlight & Daylight Report, L Television Reception Interference Report and M Draft Environmental Management Plan. An addendum to the ES was submitted in February 2003 providing additional submissions with regard to Air Quality, Traffic Assessment and River Transport.

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

7.0 PLANNING CONSIDERATIONS

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

7.1 High Buildings. Urban Design & Amenity Impact

7.1.1 High Buildings

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

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

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

7.1.4 LPAC's 1999 guidance defines buildings of between 20m and 75m in height as 'mid-rise', and to that end buildings such as Centre Point and Trellick Tower both fall within the definition of 'high-rise' buildings, as would the proposed building in this application which would stand at a maximum

height of some 81.5m. Like the higher tower on the LBHF site, it would be topped by a 15m mast.. LPAC regarded 100m height as an important threshold, and therefore set the requirement for London-wide consultation at 100m and over. Their concluding comment is that "high buildings are part of London's skyline", but that "the existing skyline is a positive but vulnerable asset which should not be damaged needlessly but managed sensitively in an appropriate strategic context". Within their general caution, it is noted that LPAC are encouraging towards residential use where a tower is found to be suitable in principle, commenting that "high (or higher) residential development could play a significant role in bridging the demand and supply gap for housing in London.

- 7.1.5 The CABE/English Heritage guidance sets out evaluation criteria for tall buildings in relation to their architectural quality and context in relation to listed buildings, the historic environment, open spaces and important views. The overriding consideration for English Heritage is whether the location is suitable in relation to these criteria. If it is not, then no tall building, whatever its architectural merits, would be considered acceptable. For CABE the principal objective is to ensure that any new tall building should be of first class design quality and should enhance the quality of its location and setting.
- 7.1.6 The relevant recommendations of the Urban Affairs Select Committee Report on Tall Buildings acknowledged that they are not essential to urban renaissance and are only one of several ways to achieve higher building densities; that the impact on transport capacity must be a major consideration and developer contributions should be used to address this; that high quality design and sensitivity to the historic context are essential; that such buildings should be 'clustered' rather than 'pepper potted' across the city; that development plans should identify areas unsuitable for tall buildings and that the CABE/English Heritage draft guidance should receive Government endorsement. The Government's response was generally in accord with the Select Committee recommendations and confirmed it would encourage EH/CABE to finalise their guidance, taking on board the Committee's recommendations, in order for it to serve as a material consideration in the determination of planning proposals, and to inform the drafting of planning policies.
- 7.1.7 One further material consideration, of particular significance in relation to the issues of 'clustering', townscape and cumulative impact, is the grant of planning permission in principle by the London Borough of Hammersmith and Fulham for the 37 storey tower on the adjacent part of the site at the mouth of the creek.
- 7.1.8 There are a number of tall buildings close to the application site which feature strongly in views within and towards the Royal Borough. These include the towers of the World's End Estate which are approximately 20 storeys, the Belvedere at Chelsea Harbour and the Montevetro building in Battersea which are similar in height. The proposed Lots Road tower at 25 storeys and 81.5 metres in height is not considered to exceed the height of these buildings to a significant degree. However paragraph 4.2.10 of the UDP states: "The high buildings of the World's End estate are not in

character with the remainder of the Riverside and should not be seen as a precedent for similar developments..". UDP Policy CD6 seeks development on the riverside to preserve and enhance character, and to be of a height no greater than the general level of existing building heights to the east of Blantyre Street, and Policy CD37 resists high buildings which would significantly exceed the height of neighbouring buildings and which would harm the skyline. Conflict with Policies CD6 and CD37 is a ground on which the proposal constitutes a departure from the development plan.

- 7.1.9 The appendices to the applicants' Environmental Statement 'A2 Tall Buildings Justification' and 'C1 Built Heritage, Townscape and Visual Assessment' respectively include a map demonstrating that the proposal site does not fall within prospects from the inner London parks; and a series of 39 montages and 'wire frame' diagrams which depict the position and height of the proposed buildings superimposed on photographs taken from viewpoints both within and outside the Royal Borough. At the request of the Royal Borough, the scope of the visual assessment has been expanded since the first application in order to take in views from Holland Park, Kensington Gardens, Paultons Square, Brompton Cemetery, Tadema Road/Burnaby Street, Stadium Street/Ashburnham Road, Cremorne Gardens, Redcliffe Square & Westfield Park.
- 7.1.10 With regard to Hyde Park, Kensington Gardens and Holland Park, the montages demonstrate that the proposed towers would be most unlikely to be visible. There is therefore considered to be no significant impact in relation to UDP Policies CD13, CD14 and CD15.
- 7.1.11 There would be views, particularly of the taller LBHF tower, from some points within Brompton Cemetery. However, in the context of its location the proposed 25 storey building on the RBKC site is considered unlikely to intrude on the environment of the cemetery and conservation area to such an extent that serious harm would result. The existing power station building and chimneys, although visible, lie at a distance of some 700m from the southern boundary of the cemetery and are obscured by tree cover from many areas to a greater extent than, for example, the Chelsea Village development, which stands almost adjacent to the western boundary on the opposite side of the railway lines. The impact of the high building is not therefore considered likely to harm the special character or environment of Brompton Cemetery to the extent that conflict with UDP Policy CD16 could be demonstrated.
- 7.1.12 With regard to the impact on views from conservation areas, in addition to the montages from Brompton Cemetery Conservation Area, the submitted visual assessment includes, at the Council's request, montages demonstrating visibility from Paultons Square (Cheyne CA), Redcliffe Square (The Boltons CA), Holland Park (Holland Park CA), and Chelsea, Albert and Battersea Bridges and the Embankment (Thames CA). These indicate that, with the exception of the Thames Conservation Area there is unlikely to be any significant impact on the character or appearance of these areas to the extent that conflict with UDP Policy CD63 could reasonably be claimed. The impact on the Thames Conservation Area will be discussed in the context of impact on the river frontage.

7.1.13 The applicants' photo montages include four which are based on views from the bridges and embankment within the Thames Conservation Area. They depict the proposed towers as dramatic and slim landmarks in long views which also include the Worlds End estate, Montevetro and Chelsea Harbour. The orientation of the buildings are such that the views of their bulkiest aspect (The 'long' elevation) would be from the south bank of the river at Vicarage Crescent and as a backdrop to the power station building in views from the streets of the 'Lots Road Triangle' immediately to the north.

7.1.14 The proposed 25 storey tower would significantly exceed the height of the main power station building and the predominantly 2-3storey buildings in the 'Lots Road Triangle' as well as the general height of buildings to the east of Blantyre Street referred to in UDP Policy CD6. At its highest point it would be comparable with the power station chimneys and their proposed lantern additions but clearly lower than the corresponding 37 storey tower which has been approved in principle by LBHF. The qualifying objectives set out in Policy CD6 are to improve waterfront character, and physical links between the River and the rest of the Borough. That of CD37 is not to harm the skyline. The proposed development would certainly improve links with the river frontage through the proposed public areas and Thames Path extension. The extent to which the high building would preserve and enhance waterfront character is inevitably subjective, as is the issue of whether it would harm the skyline. It is accepted that the design and orientation of the building to present its 'slim' profile to long views from the river to the east is the optimum approach for minimizing its impact on them. The impression that the tower and its counterpart within LBHF will together form something of a 'looming' presence in the skyline when viewed from the streets to the north, is one which it is difficult to argue against. A comparable situation is the presence of the Worlds End Estate as a backdrop to the streets of the 'Ten Acres Estate'.

7.1.15 The view of the Mayor of London on this issue as expressed in his formal response to notification of the application has been given in a letter dated 6th March 2003. It states:

"...The design of the scheme is of a high quality with the towers contributing positively to the London Skyline and the setting of the Thames and the Lots Road Power Station. Accessibility into and through the site and the creek is a significant urban design gain. The legibility and permeability of the scheme has been further enhanced by amendments to the layout and overall the design is of high quality."

7.1.16 The formal response to consultation of the Commission for Architecture and the Built Environment (CABE) states:

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

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

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

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

7.1.19 Urban Design

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

7.1.20 Important though the strategic river views are, there are clearly other townscape implications, the key one being the appearance of the towers when seen from the north. From the Victorian streets and squares of the 'Lots Road Triangle', the broader profiles of the towers would result in a different and more 'squat' appearance to that seen from river views. The massing and scale would appear more dominant. This impact is best illustrated by figures 57-63 of the applicants' visual assessment. Notwithstanding this, the impact of the 25 storey tower the subject of this application is considered to be significantly less than that of its counterpart in the adjoining borough which has been accepted in principle. Whilst this aspect of the development is considered one of the less desirable in townscape terms, in the context of the proposal as a whole and the relationship between the surrounding area and the retained mass of the power station building, it is not considered so harmful as to substantiate a reason for refusal.

- 7.1.21 The 1999 Planning Brief states; "A new node may be created by the convergence of paths into a new public open space adjacent to the riverside." This is considered to be achieved by the pedestrian links through the power station building itself and by the extension to the Thames Path. The path, by way of a S.106 agreement, can be secured with an interim route through the 'piazza' to Lots Road, with the potential also being secured to link it to Cremorne Gardens via Cremorne and Chelsea Wharves when a route becomes physically available. The provision of this section of Thames Path is consistent with the aims of UDP Policies STRAT 48 which encourages a continuous Thames path, CD7 which seeks to ensure the provision of a riverside walk within appropriate developments, LR13 which seeks to provide new public rights of way where appropriate and LR19 which seeks to complete the Thames Path along the river frontage.
- 7.1.22 In the earlier proposal, a 'square' within the RBKC site was set back from the river, in an area enclosed by the wings of the KC2 building and the east wall of the power station. It was consequently unlikely to work well as a successful public space and to an extent formed a barrier. The separation of the 'rotunda' element from KC2 is considered to have afforded a more convincing transition from Lots Road by opening the square to the river.
- 7.1.23 The proposed bridge links and the increased permeability through the power station are welcomed, as are the recreational/wildlife proposals for the creek. Implementation of these can also be secured through provisions in a Section.106 agreement.
- 7.1.24 It is therefore considered that in terms of townscape and design, the proposal would be satisfactory in relation to the requirements of UDP Policies STRAT 9 which seeks preservation and enhancement of the residential character of the Royal Borough; STRAT 10 which seeks to preserve and enhance the character and appearance of conservation areas, areas of metropolitan importance, local character, and other buildings or places of interest; STRAT 11 which promotes high environmental and architectural design standards; STRAT 12 which protects London's skyline and strategic views, STRAT 13 which protects the river Thames and its setting; CD1 which protects views and vistas along the riverside; CD6 (Referred to at 7.1.8 above); CD 13, CD14, CD15 & CD16 (Referred to at 7.1.10 and 7.1.11); CD27 which seeks high standards of design, sensitivity and compatibility with surrounding character; CD28 which requires development to be physically and visually integrated into its surroundings; CD37 (Referred to at 7.1.6) and CD63 (Referred to at 7.1.2).
- 7.1.25 Sunlight & Daylight
Appendix K2 'Sunlight and Daylight Report' of the submitted EA was prepared for the applicants by Gordon Ingram Associates. The parts relevant to the RBK&C development were examined on behalf of the Council by the specialist consultancy Anstey Horne and Co. Their initial findings resulted in a request for further information which was met by additional submissions in July 2003. These were duly examined by Anstey Horne and a summary statement produced.

- 7.1.26 The initial submission analysed the impact on properties within RBK&C on the north side of Lots Road on which the proposals would be likely to have some effect. These are nos. 60-88 (even) Lots Road, Heatherly School of Art, Ashburnham Community Centre, Ashburnham Adventure Playground and the Lots Road Public House. It concluded that the Vertical Sky Component (VSC) currently experienced by habitable room windows in nos.62-82 Lots Road would be reduced by slightly more than the 20% margin recommended in Building Research Establishment (BRE) guidance and that some windows in the community centre, adventure playground building and public house would also be similarly affected.
- 7.1.27 With regard to overshadowing the study has assessed the effect of shadow from the high building during March and June. It indicates that the KC1 tower would cast a shadow across some south facing properties in the 'Lots Road Triangle' for periods in the morning during March but that overall sunlight availability would remain acceptable. It states that in June the angle of the sun would be such that this would not occur.
- 7.1.28 The overall conclusion of the study is that, whilst there would be some transgressions of BRE guidance, the remaining levels of sunlight and daylight to the affected properties would be satisfactory in an urban context.
- 7.1.29 The Council's consultants, in response to the initial submission accepted that in the main, affected properties would still retain reasonable levels of light, but felt that the technical transgressions of the BRE guide were perhaps a little understated. It was recommended that to be fully comprehensive the report should be expanded to include the additional 'Daylight Distribution test' set out in BRE guidance, and more comprehensive sunlight tables.
- 7.1.30 Additional submissions representing the results of these tests were received in July 2003 and forwarded to Anstey Horne & Co. Their response states that, when combined with the VSC results, the Daylight Distribution tests reveal that the most significant percentage reductions will generally be to the hallways of the affected Lots Road properties, and that the key living room areas at ground floor level would continue to enjoy reasonable levels of light for this kind of location. Consequently it is concluded that the overall impact on daylight is quite moderate and that the main habitable rooms of affected properties would continue to receive a reasonable amount of daylight.
- 7.1.31 The consultants further conclude that summer sunlight will not be significantly affected and, although the impact on winter sunlight would be greater, this is not of great concern in an urban context particularly as the level of winter sunlight available in this country is not high in any case.
- 7.1.32 The impact on neighbouring residential amenity in terms of sunlight, daylight, overshadowing and sense of enclosure is considered satisfactory in relation to the requirements of UDP policies CD33 which resists development which significantly reduces sunlight or daylight enjoyed by

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

7.2 Land Use

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

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

7.2.3 The 1999 Planning Brief for the site stated:

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

The application site was included in the Lots Road Employment Zone in the

modified UDP adopted in May 2002.

7.2.4 In October 2002 The Council published Supplementary Planning Guidance on Employment Zones. This acknowledges that the Lots Road Employment Zone has a different character to the other two, being dominated by antiques and art related firms and by designers and business services. The guidance accepts that 'Major Development Sites within employment zones are considered to be suitable for mixed use developments. It lists Class B1 uses along with B8 warehousing, Class A1 retail, A3 Food and drink and C3 housing as appropriate as part of mixed use schemes.

7.2.5 The EA includes a summary of a study relating to employment use carried out on the applicants' behalf by Jones Lang Lasalle. It assessed the general character of employment uses within the Lots Road Employment Zone and carried out a marketing survey of similar businesses to test perceptions of the Lots Road area as a business location. This concluded that:

- A minimum of 1858sqm of workspace would be needed within the scheme
- Workspaces should be in a range of sizes between 13.93sqm and 464sqm
- The B1 spaces within the Power Station Building would be attractive to a number of local businesses
- The spaces in the scheme would draw upon the existing business base of small media and design operations which characterize the Employment Zone.

7.2.6 The JLL study makes an estimate of potential job creation based on the employment, and supporting commercial floorspace within the proposal. This suggests that office space could provide 348 jobs, light industrial units 40, retail uses 30, restaurant 15, nursery 5 and a further 12 by the gymnasium, community space, and other estate related functions- a total of 450. When the power station was last operational it employed the equivalent of 99 full time staff. The potential employment generation within the finished scheme could therefore be a net increase of 351 jobs.

7.2.7 As set out at 4.8.2 above, the development proposes six Class B(1) units at ground floor and basement level within buildings KC1, KC2 & KC3 with a total floorspace of 1112sqm, and twelve Class B1 units at first floor level within KC3 with total floorspace of 3593sqm. The Class B1 units range in size from 40sqm to 995sqm and provide the range of units sought by Policy E5. Those at first floor level are physically more suited to office use whilst in the event of planning permission being granted it is considered appropriate to restrict the use of the ground floor and basement units to Class B1(b) or (c) use to ensure the availability of light industrial units to accord with the objectives of Policy E11. Additionally it is recommended, by way of a Section.106 clause that two identified ground floor Class B1 units are offered at 50% of market rent to Council approved tenants for a period of three years. This would assist local business 'start-ups'.

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

7.3 Affordable Housing

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

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

7.3.3 The 144 RSL rental and RSL shared ownership units proposed in the current scheme equate, on their own to 35% of the total of 420 residential units in the development. The 22 'entry level' Key Worker units equate to a further 5% giving an overall figure of just under 40% for the RBKC development.

7.3.4 A credible and sustainable scheme for the provision of affordable housing should involve a Registered Social Landlord and ensure provision of the accommodation at an agreed stage in the implementation of the development to satisfactory standards.

7.3.5 The draft heads of agreement under Section 106 include provisions requiring the 105 affordable rental and 39 shared ownership units to be provided for eligible occupiers from the Council's common housing register through transfer to an RSL at affordable rents with capped service charges.

7.3.6 Draft heads of Section.106 agreement will set out eligibility criteria for occupation of the 'entry level' key worker units by persons in specified occupations who are on the Council's common housing register, and cap the purchase price of these units (By linking it to average income) and service charges. Further heads of agreement restrict the subsequent disposal of these units to persons meeting the eligibility criteria.

7.3.7 With the safeguards set out in the draft heads of agreement in place it is considered the proposed scheme will deliver and retain a satisfactory contribution to the Borough's stock of affordable housing on this major development site in accordance with the requirements of UDP Policy H23.

7.4 **Transportation**

7.4.1 The Director of Highways & Transportation was first approached by the developer in January 2001. Since that time officers have worked closely to ensure that the developer undertook a robust transport assessment of the proposal and developed realistic and achievable improvements to public transport provision in the Lots Road area of a suitable magnitude to accommodate increased demand envisaged as arising from the proposal. This culminated in the developer submitting an Addendum to the Environmental Assessment in February 2003.

7.4.2 In order to determine the impact of the proposal the developer has considered the traffic generation from the site using trip generation rates chosen for similar developments, and trip rates provided by the Royal Borough. These are considered to show that the development can be accommodated on the local highway network.

7.4.3 The assessment indicates that flows at the Lots Road junctions with

Cremorne Road and Kings Road will increase as follows:

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

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

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

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

7.4.7 Site Characteristics

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

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

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

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

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

7.4.12 Assessment Process

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

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

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

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

7.4.16 Highway Impact

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

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

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

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

7.4.20 Parking

The proposal includes 360 parking spaces for the residential accommodation

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

- 7.4.21 No more than 4 spaces should be available for the B1 uses within the site. The proposed provision of 40 spaces is considered a maximum which should be reduced depending on the outcome of the review of waiting and loading on Lots Road required before the new bus services are introduced. The exact number provided should be equal to those spaces removed in the review.
- 7.4.22 The public parking must be adequately controlled to ensure that it is not used for commuter parking.
- 7.4.23 The developer proposes to introduce a car club to limit demand for parking and restrict car use to essential journeys only. The provision of parking for the car club and a financial contribution will be the subject of S106 clauses. The Council is currently leading a consortium of seven Boroughs to introduce the London City Car Club and the Developer has indicated that they are prepared to use it.
- 7.4.24 The development includes parking for two Kensington & Chelsea Community Trust (KCCT) vehicles which will provide a base serving community groups in the south of the Borough. A condition is proposed requiring the provision in perpetuity of these spaces.
- 7.4.25 The proposed restaurant would have a capacity of approximately 185 covers and is consequently considered likely to generate demand for 37 parking spaces (assuming a car driver rate of 20%). These could be accommodated in the on-site public car parking area.
- 7.4.26 Public Transport
TfL are seeking to ensure that the WLL Station is built to 8 car length in order to accommodate 8 car trains associated with Orbirail. Despite a request made by the DTH in January 2003 TfL have yet to provide a satisfactory explanation as to how this will speed development of Orbirail.
- 7.4.27 The Transport Assessment is considered to have demonstrated that, whilst the proposal will be acceptable without the West London Line, travel options will be limited. In order to promote development of the new station a clause is proposed to the effect that £1 million will be available in the Hammersmith & Fulham S.106 agreement towards the cost of the station, and in the event of it not being required for this purpose it will be divided between the authorities and made available for other transportation improvements.
- 7.4.28 The transport assessment includes proposals for significant changes to bus services in the area. The exact nature of these will ultimately depend on the pattern of demand following the station opening, but it is likely to include improvements to the C3 corridor, improving north-south links to Earl's Court and Kensington High Street and a new service to Westminster

via the embankment.

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

7.4.38 The detailed design of cycle parking, the Thames Path, and car park layout are the subject of proposed conditions.

7.4.39 Construction

The developer has estimated that approximately 50% of materials can be transported to site by the River. It is expected that the development will require 73800 vehicle movements. This equates to 12 HGV movements per hour between May 2004 and October 2005 and a maximum of 4 per hour until June 2009. 41200 of these can be transferred to the river with the result that HGV movements would decrease to 4 per hour throughout the construction period. These arrangements are the subject of a proposed provision in the s106 agreement.

7.4.40 With regard to the transportation of construction staff to and from the site, a draft Section 106 agreement clause is recommended requiring this to be by public transport and preventing parking of private cars belonging to employees or contractors on any part of the site during demolition or construction.

7.4.41 Chelsea Creek

In order to be in a position to implement their scheme of environmental improvements, and to construct bridges across Chelsea Creek, the Developers are seeking to acquire the freehold of the Creek which is currently in Council ownership. Should the creek remain in Council ownership, these works would require the Council's consent as landowner.

7.4.42 It is therefore considered, subject to the measures set out in draft heads of s106 agreement and conditions, that the transportation implications of the proposed development can be satisfactorily accommodated in the local network. The development is therefore considered satisfactory in relation to UDP Policies STRAT 23, STRAT 25, STRAT 26, STRAT 27, STRAT 28, STRAT 29, STRAT 30, STRAT 31, STRAT 32, STRAT 34, TR1, TR2, TR3, TR4, TR5, TR6, TR8, TR9, TR12, TR13, TR14, TR15, TR16, TR17, TR23, TR24, TR27, TR31, TR32, TR33, TR34, TR35, TR36, TR37, TR38, TR41, TR42 & TR44.

7.5 **Land Contamination & Sustainability**

7.5.1 The proposed works to Chelsea Creek described at 4.7 above are considered to be consistent with the objectives of UDP Policy STRAT 49 and LR26 which seek regard for nature conservation and the protection of natural habitat and wildlife environment in the consideration of development proposals.

7.5.2 In addition to the proposed works to the creek, there are two principal issues of environmental management arising from this major development proposal. The first is the matter of remediation in respect of decommissioning the existing buildings and decontaminating the

site, and the second is that of management and control of these and all other activities associated with the implementation of the development in order to minimize the impact on the surrounding environment and neighbouring residents.

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

7.5.4 Decommissioning

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

7.5.5 Timeline

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

7.5.6 Demolition and Construction Traffic

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

7.5.7 Contamination

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

7.5.8 Environmental Management Plan

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

7.5.9 Implementation of the Remediation Strategy and Environmental

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

7.6 **Density**

7.6.1 It has been observed, and commented on at some length by objectors to the proposal, that the implicit density of residential development on the site would be excessive and considerably in excess of the 'very high' density figure of 350hrha set out in the UDP (And referred to in the 1999 Planning Brief) which Policy H12 states is only justified if necessary for townscape reasons to comply with the policies of the conservation and development chapter. The density of the proposed scheme is approximately 667hrha. The main physical objections to the

proposal centre around the height, bulk and appearance of the

additional buildings proposed for the site. The new buildings (the tower, eastern block and west yard building) would only contain 164 of the 410 proposed residential units with the tower containing just 40.

Consequently, even in the absence of the proposed new buildings, bringing the existing power station building into beneficial re-use as proposed with the insertion of 13 floors would result in a density of some 411hrha, well in excess of the 350 hrph figure. This was

recognized in the report to committee regarding the previous

application and under these circumstances, a reason for refusal on the grounds of density alone was not considered appropriate. Implicitly, if the density of development proposed does not result in material harm to the extent that planning permission could reasonably be refused, it cannot, of itself form a sustainable reason for refusal.

8.0 COMMUNITY BENEFITS

8.1 As indicated in Section 2. of this report, in addition to necessary

measures designed to ameliorate the impact of the proposed

development, discussions without prejudice to the outcome of this application have sought undertakings from the applicants to fund measures which will improve the environment in the vicinity of the site and benefit the wider community. Draft heads of agreement set out the measures in full including the extent and timing of payments. The following measures are featured:

8.2 The implementation of a streetscape improvement zone within the 'Lots Road Triangle' involving improvements to footways and planting of street trees.

8.3 The implementation of improved cycling facilities with improvements to cycle routes beginning in the vicinity of the development, 'Toucan' crossings and cycle parking facilities.

8.4 Improvements to public transport provision including subsidies for bus and riverboat services and a contribution towards a new West London Line station.

8.5 Funding for a transport information service available to local residents. The scheme would feature an on-site transport management office and an intranet service providing up-to-date transport information.

8.6 Funding for development of school travel plans.

8.7 Provision of new premises within the development for the Ashburnham Community Association. The Association currently occupies the former Ashburnham School premises on the north side of Lots Road but is

without a lease. A new space within the power station building at ground floor and basement level would be made available. The Council would have approval of the rent and service and estate management charges would be agreed and capped. A grant for the fitting out of the new space would also be provided. This is consistent with UDP Policies STRAT 44, SC4 and SC6 which seek to protect and encourage social and community facilities and to negotiate their provision in the context of development schemes.

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

9.0 RECOMMENDED SECTION 106. CLAUSES

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

travel plans and contribution towards car club facilities and

development of the West London Line station. The total contribution to be £5.56 million divided between RBK&C and LBHF. Payments to be index linked.

- 9.3.2 Provision of a specified and controlled number of public parking spaces within the development.
- 9.3.3 A contribution of £1,500,000 to fund the provision of additional off street parking in the Lots Road Area.
- 9.3.4 Use of river transport for such proportion of, materials and construction traffic to accord with details to be approved by the Council.
- 9.3.5 Implementation of a plan, approved by the Council prior to implementation of the planning permission, for routing and times of construction and demolition road traffic.
- 9.3.6 Implementation of measures, approved by the Council prior to implementation of the planning permission, to ensure construction staff travel to and from the site by public transport and to prevent parking for private cars belonging to employees or contractors on any part of the site during demolition or construction.
- 9.3.7 Provision, in partnership with and through transfer to, a registered social landlord, of 105 affordable units of residential accommodation for rent and 39 to be sold/occupied on a shared ownership basis, and a further 22 units of low cost 'entry level' units for sale to eligible 'key workers'.
- 9.3.8 Implementation of a remediation strategy in respect of land contamination, approved by the Council prior to implementation of the planning permission.
- 9.3.9 Implementation of an environmental management plan, approved by the Council prior to implementation of the planning permission, from commencement of remedial works until completion of the development.
- 9.3.10 Implementation and maintenance of works, and an environmental management plan approved by the Council to the Chelsea Creek watercourse and associated wildlife habitats.
- 9.3.11 Provision of premises within the power station building comprising 445 square metres net internal floorspace to accommodate the Ashburnham Community Association at a rent with capped and index linked service charges approved by the Council.
- 9.3.12 A contribution of £100,000 on completion of a rental agreement with the Ashburnham Community Association, to fund fitting out of the Community Association premises.

- 9.3.13 The provision of a ground floor unit to be used solely as a General Practitioners' surgery serving NHS patients and falling within Use Class D1(a) in consultation with the Kensington and Chelsea Primary Care Trust.
- 9.3.14 A contribution of £2,000,000 to fund improved secondary and/or primary education facilities in the Royal Borough.
- 9.3.15 Provision and maintenance by the developer of a section of Thames Path providing a designated public right of way from Chelsea Harbour via a new bridge to Lots Road through the plaza on the former east yard. Provision for subsequent linkage to a future Thames Path section across the adjacent Cremorne Wharf site when this route becomes physically available through construction or redevelopment.
- 9.3.16 Provision on substantial completion of the development of a CCTV system and a scheme of lighting the public areas of the development.
- 9.3.17 Prompt removal of graffiti, fly-posting and rubbish from any public areas within the site to standards approved by the Council.
- 9.3.18 A contribution of £400,000 to fund improvements to Westfield Park.
- 9.3.19 A contribution of £1,000,000 towards funding the provision of public sports facilities in the area.
- 9.3.19 Provision of an on-site construction training scheme to include
- An on-site recruitment facility for trainees
 - An agreed number of training weeks
 - Fund the construction training programme (including trainee placement and support).
 - Trainee wages as in the Working Rule Agreement
 - Best endeavours to obtain 20% of the workforce from the local area (West London)
- 9.3.20 Allocation of two (Identified) Class B1 units at ground floor level to be offered at 50% of market rent for a period of 3 years to tenants approved by the Council to assist small business start-ups for local people.
- 9.3.21 A contribution of £100,000 for the provision of a public work(s) of art in location(s) approved by the Council.

10.0 PREVIOUS REASONS FOR REFUSAL

This section sets out the reasons given for refusal of planning

permission of the previous application to redevelop this site in March 2002 and explores the extent to which they are considered to have

been addressed by the current amended proposal.

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

The high building forming part of this application to RBK&C has, in the revised application, been reduced in height from 130m to 81.5m with consequent reductions in the potential harm to the skyline and views from neighbouring conservation areas and open spaces. Even at the reduced height however the tower building would still represent a departure from identified Development Plan policies.

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

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

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

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

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

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

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

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

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

The quantity of employment floorspace proposed in the revised scheme has not increased substantially from that featured in the earlier

proposal which constituted approximately 10% of the total. In the current proposal business and commercial (i.e. shops etc) and community uses account for 8867sqm of the 70466sqm gross floorspace within the RBK&C site (Approximately 12.5%) an increase partially attributable to the reduction in overall floorspace arising from

the reduced tower height. The type and arrangement of Class B1 units has however been refined. The provision of supporting commercial and shopping uses, new community association premises and a day nursery address the objectives of UDP Policy E5 and the proposed restrictions within the B1 use class set out in Section 7.2 of this report together with reduced rent start-up units for local businesses and a construction training scheme are considered appropriate in the context of the

primarily residential scheme envisaged in the Planning Brief.

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

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

11.0 CONSULTATION

11.1 Notification

11.1.1 On 27th June 2002, two thousand one hundred and forty five individual letters of notification were sent to the occupiers of properties lying in the area defined by the Borough Boundary to the west, the river to the south, King's Road to the north and Blantyre Street and World's End Place to the east and to respondents to notification of the 2001

planning application. Twenty one external organizations including statutory consultees were provided with copies of the application and Environmental Statement. Site notices were also posted

11.1.2 Responses to the initial notification numbered 125 in total. These consisted of 77 letters of objection, a petition of 6 signatures, and one letter of support, from individuals residing in the Royal Borough, 7 letters of objection from or on behalf of amenity groups and Residents' Associations based in the Royal Borough, 27 letters of objection and one letter of support from residents of adjoining boroughs and

elsewhere, and 12 objections from or on behalf of amenity groups based outside the Royal Borough

11.1.3 On receipt of revised plans, re-notification was carried out on 10th January 2003. The responses to date number 159. These consist of 117 letters of objection and one letter of support from individuals residing in the Royal Borough, 8 letters of objection from or on behalf of amenity groups and Residents' Associations based in the Royal Borough, 27 letters of objection from residents of adjoining boroughs and elsewhere and 7 objections from or on behalf of amenity groups based outside the Royal Borough

11.1.4 The written responses received to date have come from a total of 253 sources. Representations from the external consultees are summarized at 11.2 and 11.3 below.

11.1.5 Under the provisions of the Town & Country Planning (General Development Procedure) Order 1995 & the Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990, the proposal was advertised as "Major" development, as involving a Departure from the Development Plan, as falling within criteria requiring an Environmental Assessment and as development affecting the character or appearance of a Conservation Area or Adjoining Conservation Area.

11.1.6 An addendum report to the Environmental Statement was submitted on 3rd March 2003 in response to requests for 'further information' under regulation 19. of the Town and Country Planning (Environmental Impact Assessment)(England and Wales) Regulations 1999. Copies of the report were provided to the Office of the Deputy Prime Minister and the requisite notice placed in the local press as required by the regulations.

11.2 **External Consultees**

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

11.2.1 English Heritage

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

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

environment of the wider area.

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

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

space around the site and the relationship between the Power Station and the proposed new buildings..."

11.2.2 With regard to the current scheme in its amended form English

Heritage state:

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

We therefore remain in support of the proposals by Terry Farrell

Partnership...

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

11.2.3 English Heritage (Archaeology)

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

EH subsequently commented that the standing building assessment (ES appendix C2) draws attention to the importance of the remaining steel skeleton frame in the Turbine and Boiler Rooms which would be

removed along with the dividing wall between the two. They therefore hope to see retention of sufficient elements of both so as to make the presentation of the history of the building clearer.

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

11.2.4 Commission for Architecture and the Built Environment

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

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

The changes to the site layout have in our view resulted in a successful

sequence of open spaces each with a distinct character. We think that the relative heights and locations of the towers work well..."

11.2.5 Government Office for London

No comments have been received. As the application has been

advertised as a departure from the development plan, the intention to grant planning permission must be referred to GOL in accordance with the provisions of the Town and Country Planning (Development Plans & Consultation)(Departures) Directions 1999. This has been done by the London Borough of Hammersmith and Fulham in respect of their application. GOL have indicated in a telephone conversation that a decision on whether to call in the Hammersmith and Fulham application for determination by the First Secretary of State is unlikely to be made until they are notified of the outcome of this Council's application.

11.2.6 Greater London Authority (GLA)

In August 2002 The Mayor of London considered a report on the

proposals to both authorities by the Planning Decisions Manager of the GLA. His formal response to notification of the RBK&C application consists of the following conclusions:

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

Given the proposed improvements to public transport, the density of development proposed for the site is considered to meet the guidelines set out in the draft London Plan. The density of development proposed also allows for the delivery of a significant level of affordable and private housing on the site. The design of the scheme is considered to be of a high quality with the towers contributing positively to the London skyline and the setting of the River Thames and the Lots Road Power Station. It is regrettable that one of the towers has been

reduced in height and the opportunity for a taller, elegant tower

foregone. The accessibility into and through the site and the creek is considered to be a significant urban design gain. The legibility and permeability of the scheme could be enhanced by some amendments to the layout of the block plan, but overall the design is of high quality.

The increased levels of affordable housing provided on the site are closer to meeting the requirements of the draft London Plan, although

at just over 34%* the affordable housing provided on the site

continues to fall short of the London Plan target of 50%. This lower figure may be justifiable given the exceptional costs of decontaminating this part of the site and decommissioning the power station. However, additional viability information would be required in order to fully assess the impact of these factors. Subject to this caveat the overall development is considered to be in the interest of good strategic

planning in London."

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

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

permission. This requirement is reflected in the recommendation.

11.2.7 Transport for London

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

11.2. Environment Agency

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

11.2.9 The Agency suggest conditions in respect of the following:

- No net loss of tidal flood storage capacity in the creek. A condition to this effect forms part of the recommendation.
- An access strip of 5 metres width adjacent to the River Thames frontage should be left free from permanent development including ventilation grilles, lighting columns, planting or level changes in order to allow access by the Agency. The RBK&C site has some 44m of Thames River Frontage and building KC1 is approximately 5m from the river wall at its closest point. Such a condition is not therefore considered necessary.
- Submission and approval of details of the creek bed treatment. This condition forms part of the recommendation.
- Submission and approval of a phasing methodology for works to the creek in order to protect wildlife habitats. This condition forms part of the recommendation.
- Submission approval and implementation of a scheme for the enhancement of the river/creek. This condition forms part of the recommendation.
- Submission and approval of 'brown roofs' and high roost ledges on the blocks adjacent to the creek. These provisions relate to the Hammersmith and Fulham development.
- Submission approval and implementation of a landscape management plan. This condition forms part of the recommendation.
- Submission approval and implementation of a planting scheme. A condition to this effect is recommended.
- No storage of materials within 8m of the Thames and 4m of the creek during development. This condition forms part of the recommendation.
- Submission and approval of the design of the creek bridges. A condition to this effect is recommended.
- Submission and approval of a scheme for retreating the flood defence line in the area of the creekside garden and provision of a boat landing stage in this area. These suggestions relate to the Hammersmith and Fulham proposals.
- Clarification of measures in relation to contamination 'hotspots'. This issue is covered by draft S.106 provisions relating to remediation and environmental management.

11.2.9 English Nature

EN confirm the proposal does not affect any statutory sites of nature conservation importance, and that there appear to be no protected species issues on the site. They welcome the proposed measures to

ensure there is no loss of foreshore habitat and for maintenance of the creek. They recommend the attachment of conditions requiring preparation and implementation of a full ecological mitigation and enhancement plan. This matter is addressed both by recommended conditions and a draft Section.106 provision.

11.2.10 Health & Safety Executive (HSE)

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

11.2.11 The Countryside Agency

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

11.2.12 Metropolitan Police Crime Prevention Office

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

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

There is clearly a balance to be struck between crime prevention objectives and provision of public access to the river. It is not

considered appropriate to set aside the important strategic and

development plan objective of extending the Thames Path on the grounds that it might be a location for criminal activity. The creation of a mixed use scheme in which there are on site security measures (As recommended in draft S.106 heads of agreement) is expected to open up the riverside to enhance public amenity in the context of a

redevelopment which will lead to it being managed, and overlooked by residential and business properties created within it.

11.2.13 Port of London Authority

The PLA expresses no objection in principle to the development

proposals but expresses concern that the development should not prejudice the potential for future water transport use of Cremorne Wharf which, although not currently serviced from the river, is a

statutorily safeguarded wharf. In the PLA's experience the introduction of residential uses in proximity to working wharves can result in noise complaints from residents, particularly when they are in use on a 24 hour basis. They therefore suggest siting residential elements away from the wharf and imposing conditions requiring the installation of appropriate soundproofing.

- 11.2.14 The PLA recommend the imposition of a condition requiring the provision of riparian life saving equipment such as grab chains, access ladders and lifebuoys along the river frontage.
- 11.2.15 The PLA thirdly recommend the imposition of a condition requiring the developer to assess the feasibility of the use of river transport for construction materials.
- 11.2.16 As the use of Cremorne Wharf and the consequent generation of noise remains a possibility rather than a matter of fact it is considered to make the issue of potential impact on residential amenity the subject of an informative rather than a condition. A condition is recommended requiring the provision of riparian life saving equipment as suggested. The use of river transport for demolition and construction traffic is the subject of recommended heads of agreement under Section.106.
- 11.2.17 Council for the Protection of Rural England
The CPRE objected to the tower in Hammersmith and Fulham suggesting it will 'canyonise' the riverside and harm wildlife in the area. They further object to traffic impact suggesting public transport provision will remain poor unless a station is built on the West London Line. They therefore suggest the tower should be reduced in height and a large reduction in car parking takes place. A copy of this objection was sent to RBK&C with a covering note stating the same objections apply to the RBK&C tower and car parking arrangements. A further response to re-notification suggests the scheme should incorporate community facilities.
- 11.2.18 Civil Aviation Authority
The site lies outside the safeguarded areas for both London City and Heathrow Airports, the CAA therefore do not have any comment to make on the proposal.
- 11.2.19 Thames Water
No comment received.
- 11.2.20 Railtrack/Strategic Rail Authority
In August 2002, Railtrack Property (Who were at that time in administration) commented that an additional station at Chelsea Harbour would reduce freight capacity on the West London Line and Railtrack would not be able to meet its contractual obligations. It further commented that the £1m contribution offered by the applicants

would not by itself produce a station.

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

11.3 **Neighbouring Authorities**

11.3.1 London Borough of Hammersmith & Fulham

The adjoining authority have, as stated, considered and endorsed a recommendation to grant planning permission for the parallel scheme of redevelopment on the south side of Chelsea Creek subject to

conditions and the completion of a Section.106 agreement seeking environmental improvements and affordable housing provision within the site. The neighbouring borough have not raised an objection or commented formally on the RBK&C proposals. Consideration of their own application has however been based on assessment of the impact of both schemes (which are dealt with jointly by the Environmental Statement) and there has been liaison between officers of both

authorities about matters of joint concern.

11.3. City of Westminster

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

"The proposal will harm views out of the Churchill Gardens

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

This aspect of the proposal is considered in detail at 7.1 above and the subjective nature of views on the appropriateness of the towers is reflected in the opinions offered by different respondents to

consultation. It is not considered to substantiate a refusal of planning permission in the context of the overall proposals for the site.

11.3 London Borough of Wandsworth

The London Borough of Wandsworth raises no objection to the

proposal.

11.3. London Borough of Richmond upon Thames
No objection is raised to the proposal.

11.3.5 London Borough of Lambeth
No objections are raised to the proposal.

11.4 **Amenity Groups and Residents' Associations**

11.4.1 Lots Road Action Group
Are not against development in any form, but wish the scale to be limited to the capacity of the local infrastructure to support it, or for public transport and other amenities to be upgraded to address this. LRAG welcome the principle of regeneration this part of Chelsea,

redevelopment of the site, improved access to the river and the creek and the overall high architectural quality of the proposals but object on the following grounds:

- The proposed density (Which they calculate at 650 hrph) is nearly twice that set out in the UDP and the planning brief. This would lead to adverse amenity and traffic impact. Density should be linked to public transport accessibility and should not exceed 450hrph.
- Excessive scale massing and height of the towers. Overlooking, impact on sunlight, daylight and townscape. Development should not exceed 6/7 storeys and be subordinate to the height of the power station building.
- Inadequate public transport proposals in the context of other surrounding developments. A new West London Line station, a commitment to the Chelsea Hackney Line (Crossrail 2), and frequent, high capacity affordable riverbus services should be in place before high density development is permitted.
- Parking provision is insufficient, residents of the scheme should be denied parking permits. The TIA is flawed with regard to parking levels. Insufficient public transport facilities exist to meet demand and the capacity of the local roads to accommodate bus numbers is queried. Concern about all traffic being routed through Lots Road and the potential for parking to spill onto surrounding streets.
- Inadequate public amenity provision, open space, sports facilities, schools and health centers would not be improved by the development.
- Concerns relating to flood risk should be assessed.
- The height and width of towers should be significantly reduced
- Section 106. agreements should directly benefit the Lots Road area,

particularly in relation to public transport.

- Decontamination of the site should be carried out safely.
- Construction traffic should be minimized with maximum use of river transport.

11.4.2 The Chelsea Society

In addition to points raised by the Lots Road Action Group, The Chelsea Society raise concern at the disfigurement of Thames views from the Chelsea Embankment, Albert and Battersea Bridges. They describe the proposed towers as unsympathetic and designed without regard for the spirit of Chelsea. They suggest the Thames Path design would make cyclists a hazard for pedestrians and that the tower would deflect serious gusts of wind onto the path. They conclude the development would lead to overdevelopment,

overshadowing and overlooking, domination of Thames-side views, an inadequately designed Thames Path which does not segregate pedestrians and cyclists, and which would suffer gusting winds.

11.4.3 Friends of Brompton Cemetery

The Friends of Brompton Cemetery note that the applicants'

montages show few intrusions of the proposed towers, particularly

when trees are in leaf. They express disappointment that the higher LBH&F tower will be visible from a number of points and find this unacceptable. In the event of planning permission being granted, they consider a condition should be imposed regarding the design of caps for the power station chimneys.

11.1.4 The Royal Parks

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

11.4.5 Oakley Street Residents' Association

Object to excessive height of towers, suggest numbers of dwellings will impact unacceptably on surrounding road system, doubt

effectiveness of proposed improvements to public transport and consider public open space within the development to be

inadequate.

11.4.6 Cheyne Walk Trust

Support the objections set out by the Lots Road Action

Group. Express concerns regarding flood risk, consider an

independent Transport Assessment should be carried out, suggest

riverside walkways should be enhanced by tree planting, tower blocks should not form part of the scheme, adequate provision should be made for education and community facilities, and that the majority of demolition and construction materials should be transported by river.

11.4.7

Campaign for Fair Play

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

11.4.8

Lots Area Residents Association

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

11.4.9

Ten Acres Residents' Association

Express concern at the development.

11.5

Individual Respondents

11.5.2

The individual respondents with very few exceptions express concern regarding the transportation impact of the development, particularly in the context of other major redevelopments in the area, and are skeptical with regard to the effectiveness of the suggested mitigation measures. There is majority opposition to the quantum of development and the principle of high buildings on townscape, amenity and density grounds. A significant number of respondents support the principle of redevelopment and

retention of the power station building, welcome the provision of affordable housing and consider community benefits should be forthcoming. Many draw attention to the provisions of the UDP and the content of the 1999 Planning Brief with regard to high buildings and density. A number of respondents suggest a West London Line railway station should be in service before development takes place. The local resident who writes in support of the proposals states that unequivocal opposition to the development is not representative of the true views of local residents. Many members of the local population wish to see the site developed appropriately and quickly. The latest proposals strike a fair balance between private property and the provision of local amenities.

11.5.3

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

A letter from Councillor Mrs Kingsley responding to the scheme prior to its amendment in December 2002, expresses support for the views of the Lots Road Action Group and the Colin Buchanan Report (11.6.7). The response states that the submitted scheme does not appear to address the reasons for refusal of the earlier proposal and the initial objections still stand with regard to building height, affordable housing and traffic impact. It states that if community benefits are sought in relation to the proposal consideration should be given to the provision of: Sports facilities with underground parking; a community health centre on or near the site; library facilities; contribution to community policing; and a contribution towards a new secondary school .

11.6 Respondents from Outside the Royal Borough

11.6.1 The Westminster Society

The reduction in height of the RBK&C tower to 25 storeys is a step in the right direction, the parallel increase in the LBH&F tower is

unacceptable. The society maintains its objection to the scale of the redevelopment proposals.

11.6.2 Hammersmith and Fulham Historic Buildings Group

Object to the latest proposals. Development fails to respect this

important historic riverside site. Over development. Two towers do not comply with UDP policies in terms of height nor with EH/CABE

guidance. Present scheme attempts to 'outlandmark' existing

landmarks. And will dominate the Power Station. Views are damaged by excessive height and mass of towers. Refurbishment of power station is welcomed but consider internally illuminated lanterns on top of two remaining chimneys inappropriate. Support retention of Chelsea Creek as fully tidal but opposed to the solutions proposed. Should seek

additional tree planting with the Riverside. Riverside Walk not

sufficiently detailed. Pedestrian and cycle links have not yet received detailed attention. No satisfactory provision for new river access or river related facilities.

11.6.3 The Battersea Society

Object to visual harm from the tower blocks and endorse the

representations of the Oakley Street Residents' Association..

11.6.4 The Fulham Society

Welcome the principle of regeneration but consider the previous

reasons for refusal are inadequately addressed. Consider the towers an

unsuitable form of development for the site.

11.6.5 GL Hearn Planning (for Chelsea Harbour Limited)

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

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

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

11.6.7 Colin Buchanan and Partners (for Chelsea Harbour Residents Association)

Quantum of development has only decreased by a very small amount as compared to previous application. Over development of the site resulting in adverse environmental, traffic and amenity impacts, visual impact on local residents resulting in loss of views, overshadowing, loss of light. Inappropriate scale, massing and height. Inadequate flawed transport assessment. Significant adverse transport impact. Impact on skyline. Impact on views from south bank of Thames and Wandsworth Bridge.

11.6.8 Montevetro

Support the representations of the Lots Road Action Group. Proposed buildings will crowd the river frontage. Application neglects the impact on the facing shore and assessment of views is inadequate and

selective. Towers will contravene planning guidelines and obscure the power station building. Microclimate will be adversely affected, unacceptable transportation impact, adverse ecological effect.

11.6.9 British Canoe Union

Would like to see the creek enhanced as a watersports facility with access steps or ramps for canoeists.

- 11.6.10 Kinleigh Folkard and Hayward (for Russell Chelsea Housing)
The Housing Association own properties in the Lots Road area. They object to the density and traffic impact of the proposal.
- 11.6.11 West London River Group
Endorse the comments of the Hammersmith & Fulham Historic Buildings group. Support the principle of regeneration but oppose 'urban canyonisation' of the river frontage. Concerned at works to the creek. A more sustainable scheme should be negotiated.
- 11.6.12 Wandsworth Society
Opposed to visual impact of the towers.
- 11.6.13 Thames Valley Housing
The Housing Association own properties in the Lots Road area. They object to the visual impact and traffic generation of the proposal.
- 11.6.14 London and Middlesex Archaeological Society
Tower blocks out of scale and should not exceed 8-12 storeys. Design of insufficiently high standard. Both schemes should be called in for a public inquiry.
- 11.6.15 Individual Respondents
Individual respondents from outside the Royal Borough consist principally of residents of Chelsea Harbour and of properties near the river in Battersea. Chelsea Harbour residents generally reflect the objections raised on their behalf by the Buchanan, Bellamy and G.L. Hearn reports. Objections from Battersea Residents are primarily concerned with visual impact on the river frontage.
- 11.7 Summary of Grounds of Objection
In summary, respondents suggests the proposal represents

overdevelopment of the site; has adverse impact on traffic and amenity; excessive density; to be out of keeping with surroundings; inadequate provision for increased public transport demand; towers of inappropriate scale and out of character with the area; height of proposed development is excessive and does not accord with prevailing heights in the area; the power station should remain the dominant feature; loss of daylight and sunlight; overshadowing; loss of privacy;

traffic, parking and public transport proposals are inadequate in an already congested area; greater investment in tube, rail and water transport provision should precede development on this scale; cumulative impact of other major developments in the area; inadequate public amenity provision; increased noise; adverse impact on local education, health services and public amenities; adverse impact on wildlife habitat.
- 11.8 Response to Grounds for Objection

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

The most significant additional issue raised by objectors is the desire for the development to make a contribution to local community

facilities and regeneration of the area. In particular the well considered and expressed representations of the Lots Road Action group (Set out at 11.4.1) are considered to have provided a constructive conduit for residents concerns. These have informed the direction and scope of detailed negotiations which have secured the applicants' commitment to provide wider community benefits.

It is considered the package of measures which have been negotiated and which would be secured by way of a Section 106. agreement in the event of planning permission being granted, constitute a satisfactory response to the aspirations of, and concerns expressed by, objectors to the proposal. A recommendation that planning permission is granted is therefore considered sustainable.

12.0 RECOMMENDATION

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

proposed development on 'Site B' subject to their proposed conditions and heads of agreement under Section 106.

M.J. FRENCH
EXECUTIVE DIRECTOR, PLANNING AND CONSERVATION

List of Background Papers:

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

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

PSC10/03/JT.REP

ROYAL BOROUGH OF KENSINGTON AND CHELSEA

REPORT BY THE EXECUTIVE DIRECTOR, PLANNING AND CONSERVATION

MAJOR PLANNING APPLICATIONS COMMITTEE 28th OCTOBER 2003

LOTS ROAD POWER STATION AND CHELSEA CREEK, LONDON SW10.

The report summarises additional information requested pursuant to the deferral of this major application at the meeting of 15th September 2003.

FOR DECISION

1.0 INTRODUCTION

1.1 The attached report (which has been amended to incorporate the addenda) was considered at the meeting of the Major Planning Applications Committee on 15th September 2003. Consideration of the proposal was deferred with a request from Members that the following additional information and clarification be provided:

- A) An examination of the transportation implications of the proposal carried out by an independent consultant.
- B) Additional information on the holding and waiting arrangements for construction vehicles coming to and from the site.

- C) Additional information on the proposed provision of a medical facility within the development.

2.0 TRANSPORTATION ASSESSMENT

- 2.1 The Director of Transportation and Highways reports that Steer Davies Gleave (SDG) were appointed on 17 September 2003 to undertake an independent review of the Transport Assessment and Addendum Report prepared on behalf of the applicants by Symonds. In particular they were asked to consider:
- The trip rates used within the assessment;
 - The distribution of vehicle trips and the impact of the development on the wider highway network;
 - The impact the proposed development would have on on-street parking and public transport; and
 - An overall assessment of the TA and Addendum report.
- 2.2 SDG were appointed because of their professional reputation and ability to deliver the review within the allotted time scale. They are the largest independent transport planning Consultancy in Europe. The terms of appointment required that they had not been engaged by other parties to undertake an assessment of the Lots Road Power Station or other major developments in the local area.
- 2.3 SDG were asked to consider the implications of a proposal for a new school and additional residents' car parking in the local area. With regard to the school proposal, SDG have commented that it is normal practice to only consider other developments when they have received planning permission (1.6). In the absence of a planning permission, application or detailed feasibility study, they take the view that the proposal is not sufficiently advanced for it to be considered as part of this exercise.
- 2.4 Members were concerned that the trip rates used to assess the impact of the development were too low by a significant margin. SDG have reviewed all available survey data and have found that the rates used in the original Transport Assessment fell around the middle of the range of observations. SDG find that it was appropriate for Officers to insist upon the use of higher 'worst case' trip rates and that the rates supplied by Officers, and included in the Addendum report to the Environmental Statement, provide a robust analysis for assessing the impact of the development on the highway network (3.11).
- 2.5 Considering the distribution of trips SDG find that the distribution used is relatively robust. However they find that northbound trips may have been overestimated. The result of this is that the impact on the King's Road junctions is likely to be less than predicted. Traffic at the Lots Road /Cremorne Road junction could be slightly higher than estimated although SDG note that, as this junction is to be redesigned as a result of this scheme anyway, it is unlikely to cause a problem (4.9). Furthermore SDG consider that the impact of the development has been assessed over a significantly wide area to identify all impacts (3.4) and that it is correct practice to take account of reductions in baseline traffic as a result of the development. SDG also consider that it is common practice for the local planning authority to specify which committed/consented developments should be included in the TA. In this case these were 552 Kings Road, Imperial Wharf and Chelsea Harbour phase 2. (6.8)

- 2.6 SDG consider that the number of parking spaces provided would appear to be more than sufficient to cater for the likely level of car ownership (8.5) and that the demand for public transport will fall well within the enhanced capacity being provided (9.17).
- 2.7 SDG conclude that the Addendum report to the ES provides a robust and acceptable analysis of the development (11.4)
- 2.8 The consultants' report supports the views of the Director of Transportation and Highways to the effect that the initial Transportation Assessment by Symonds was lacking in some respects; that the resulting request by the DTH for an addendum report was justified; that the submitted addendum report covered the relevant issues satisfactorily; and that a recommendation to grant planning permission can therefore be supported.

3.0 CONSTRUCTION VEHICLE MANAGEMENT

- 3.1 The applicants have submitted a supplementary statement on the management of construction traffic in response to queries raised at the meeting of 15th September 2003. This contains information on the management of construction vehicles, operation hours and holding areas both on and off site during the construction phase and supplements that provided in the Environmental Statement (Dec 2002) page 48 section 6.7. This sets out construction vehicle routes and movements, site access and river transport.
- 3.2 It should be noted that use of river transport, construction and demolition traffic and employee transport would be subject to approval by the Council under draft clauses 16-18 of the Section 106 agreement.
- 3.3 In their statement, the applicants confirm they will agree with their contractors a strict delivery management system to control the arrival of all deliveries to the site in order to minimise disturbance to the local residential population.
- 3.4 The delivery management system would organise deliveries into agreed time slots spread out during the course of the day. The majority of construction vehicles would have radios to facilitate co-ordination of the arrival of vehicles.
- 3.5 The applicants suggest that within this regime, failure of a construction vehicle to arrive in an allocated time slot could mean it is turned away. As a consequence suppliers become disciplined in keeping to their allocated time slots. In addition to this there would be a prohibition against HGV delivery vehicles arriving and leaving the site outside the hours of 07.30 and 17.00 unless otherwise agreed in writing with the local planning authority.
- 3.6 Vehicle Holding Areas
Holding areas for construction vehicles will be provided on both the LBHF and RBKC development sites. Together, excluding the creek, there are nearly 9 acres of land to accommodate various uses including a holding area.
- 3.7 In LBHF an area would be available until the last phase is built (currently block HF3C) and in RBKC a holding area could be provided either in the power station (once stripped) or in the East Yard area. Again a holding area would be available until construction of the last phase (currently block KC2).
- 3.8 As the development nears completion when most of the bulky construction material movement and all excavation removal is complete, holding areas will be provided off site. The location of these holding areas would be subject to Council approval under the Section 106 agreement.

4.0 MEDICAL FACILITIES

- 4.1 The provision of a medical facility within the development was the subject of consultation with Kensington & Chelsea Primary Care Trust and received a reply from their Chief Executive February 2003 stating they would like the development to include new primary and community facilities.
- 4.2 The trust have confirmed that there are GPs near to retirement in the vicinity of the development. They further state that 1700 new patients is equivalent to the patient list for a single GP and therefore implicitly there would be demand for a full-time additional GP as a result of this development. The PCT state they would, on notice of the development proceeding, review provision in the area and if a need was established would either seek to set up/manage or facilitate an independent practice to meet that need. A single practice with nurse and waiting room would require a minimum of 124sqm plus additional space if a trainee or dispensary is involved. They acknowledge that the 131sqm proposed in the development and secured through the Section 106 agreement would be sufficient to accommodate such a facility.

5.0 ADDITIONAL REPRESENTATIONS

- 5.1 Additional representations regarding the application have been received from the following sources subsequent to the deferral. The following paragraphs summarise their content and the responses given to them where appropriate:

- 5.1.1 The Lots Road Action Group, endorsed by The Chelsea Harbour Residents raise concerns regarding the omission of a detailed assessment of 'a potential school' from the independent transportation assessment stating it is part of the package of measures in the Draft Section 106 agreement. They have further, along with the Chelsea Society, called into question the independence of the appointed consultants Steer Davies Gleave in view of their preparation in May 2003 of a transportation assessment on behalf of London Underground limited in connection with the proposed redevelopment of South Kensington Underground Station (London Underground's development partners in that scheme include Hutchinson Whampoa, who are partners in Circadian Ltd and their chosen architect is Terry Farrell who designed the Lots Road Scheme).

The undertaking to make a financial contribution towards provision of education facilities in the vicinity is not specific to any site or proposal. Whilst the Ashburnham site has been considered as a possible alternative to the Council's preferred site for a secondary school at Hortensia Road, this has not been the subject of a detailed feasibility study or a planning application. The independent consultants have concluded in the light of this that its impact could not be reasonably assessed as part of their study.

The Independent consultants are not considered to have been in any way compromised as a result of having carried out work for London Underground Ltd on the South Kensington proposals.

- 5.1.2 The Chelsea Society have suggested that additional montages be requested to assist in the assessment of the visual impact of the proposals on Cheyne Walk and Brompton Cemetery.

It is considered that there is sufficient information within the submitted Environmental Statement for an informed conclusion to be reached on this issue.

- 5.1.3 One additional respondent suggests that to grant planning permission for the proposal on the grounds that the Council will obtain financial benefits, and that a refusal might be overturned on

appeal is not a proper use of the planning system.

The recommendation with regard to this application is made on the planning merits of the proposal in accordance with the provisions of the development plan and in the light of all material considerations.

- 5.1.4 A further objector queries the measures proposed for removal of asbestos from the site and suggested full details should be published by the applicants who should meet the cost of monitoring throughout this process.

The applicants' environmental statement confirms in paragraph 7.2.3 that all asbestos removal will be undertaken in the approved manner by a specialist licensed contractor using dust suppression equipment, sealed enclosures airlocks and filtered air extraction units. Personal protective equipment and decontamination procedures are required for all personnel involved in the work. Air monitoring will be undertaken to ensure the health and safety of site personnel and the public.

The Director of Environmental Health, as part of the consultation process, asked in October 2002 for confirmation from the developers' environmental consultant that the asbestos removal methodology had been approved by the Health and Safety Executive.

This was confirmed by the consultant in a reply dated 27th January 2003 who stated there will be a contractual obligation for compliance with all relevant legislation together with HSE codes of practice including (but not limited to):

- The Control of Asbestos at Work Regulations 2002
- The Asbestos (Licensing) Regulations 1983 (As amended)
- The Special Waste Regulations 1996 (As amended)
- The Construction (Design and Management) Regulations 1994

Contractual obligations will also require operators to provide method statements for dealing with eventualities such as prevention of release of fibres into the atmosphere and dealing with unforeseen asbestos. These would be submitted for approval by the Council.

In summary, the applicants are committed to implementation of a methodology for safe removal of asbestos in accordance with the relevant legislation and good practice. This has been set out to the satisfaction of the Director of Environmental Health. It will form part of the Environmental Management Plan which, by way of S.106 agreement head 24, will be subject to the Council's approval prior to implementation of the development.

- 5.1.5 One objector cites the impact of the development on important views along St. Leonard's Terrace and draws attention to the requirements of Policy CD5 which commits the Council **"To Protect Important Views and Vistas in and around the Royal Hospital"**.

From a position on the south side of St Leonard's Terrace opposite No.23 the towers of the power station are framed by the buildings on either side of Alpha Place when facing south-west. The proposed high building would be visible from this limited viewpoint as would the Hammersmith and Fulham tower. They are not however considered to have an adverse impact on an important vista in and around the Royal Hospital.

Looking south-west From St Leonard's Terrace.

6.0 DRAFT SECTION 106 HEADS OF AGREEMENT

- 6.1 The scope of the proposed S.106 agreement is set out in Section 9 of the committee report. The attached document consists of detailed provisions which have been agreed in principle by the applicants as the basis of the undertaking. In addition to various restrictions and provisions, the draft heads set out the applicants' commitment to a package of transportation measures consisting of payments totalling £5.56 million and a package of community benefits consisting of payments to the value of £5.1 million. The transportation payments relate to the development 'as a whole' including the Hammersmith and Fulham site. Elements of these payments are consequently committed to the adjoining borough and would be secured by way of their separate Section 106 agreement. Payments committed to LBH&F are therefore italicised and bracketed for information but would not form part of the agreement between the developer and this authority. The sum total of transportation payments committed to the Royal Borough in the current draft is therefore £3.348 million. The total sum committed to the Royal Borough is therefore £8.448 million.

7.0 RECOMMENDATION

- 7.1 That planning permission is granted in accordance with the recommendation in the attached report.

M.J. FRENCH

EXECUTIVE DIRECTOR, PLANNING AND CONSERVATION

List of Background Papers:

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

Report Prepared By: JT
Report Approved By: JT/MJF
Date Report Approved:

ROYAL BOROUGH OF KENSINGTON AND CHELSEA

REPORT BY THE EXECUTIVE DIRECTOR, PLANNING AND CONSERVATION

PLANNING SERVICES COMMITTEE 25th NOVEMBER 2003

LOTS ROAD POWER STATION AND CHELSEA CREEK, LONDON SW10.

The report recommends the grounds for objection to the proposed development in the adjoining London Borough of Hammersmith and Fulham following refusal of the proposed development in The Royal Borough by the Major Planning Applications Committee on 28th October 2003.

FOR DECISION

1.0 INTRODUCTION

- 1.1 The application for redevelopment of the Lots Road Power Station site was considered by the Major Planning Applications Committee on 28th October 2003. Planning permission was refused for the following reason:

“The proposed development would include a new high building which would significantly exceed the height of existing buildings to the east of Blantyre Street and that of neighbouring buildings. It would consequently represent a departure from Unitary Development Plan Policies CD6 and CD37 and would be harmful to the skyline, important views and surrounding conservation areas by virtue of its height, design and location contrary to Policies CD1, CD25, CD27, CD28 and CD63.”

- 1.2 Whilst Members indicated they wished to raise objection to the corresponding development in the London Borough of Hammersmith and Fulham which features a 37 storey tower, and which had been the subject of a resolution to grant planning permission in June 2003. No formal resolution to do so was taken.
- 1.2 The Hammersmith and Fulham decision was subject to a section.106 agreement which has yet to be completed, consequently the permission has not been issued and the opportunity to comment formally is still available.

2.0 RECOMMENDATION

- 2.1 Inform the London Borough of Hammersmith and Fulham that the Royal Borough of Kensington and Chelsea raises Objection to the proposed development on ‘Site B’ (Land Adjacent To South Side Of Chelsea Creek, Chelsea Harbour Drive Chelsea Harbour London) on the following grounds:

“The proposed development would include a new high building which would significantly exceed the height of neighbouring buildings and harm the skyline, important views and surrounding conservation areas.”

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

List of Background Papers:

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

**Report Prepared By: JT
Report Approved By: JT/MJF
Date Report Approved: 14/11/2003**

**REPORT BY THE EXECUTIVE DIRECTOR,
PLANNING AND CONSERVATION**

MAJOR PLANNING APPLICATIONS COMMITTEE 15TH FEBRUARY 2005

LOTS ROAD POWER STATION AND CHELSEA CREEK, LONDON, SW10

This report seeks, in the event of planning permission for redevelopment of the above site being granted on appeal, this Committee's authority for the Executive Director, Planning and Conservation, to enter into an agreement under Section 106 of the Town and Country Planning Act with Circadian (the Developer) to secure the measures and financial contributions set out in the attached Heads of Terms.

FOR DECISION

1. INTRODUCTION

- 1.1 At a meeting on 28th October 2003, the Major Planning Applications Committee resolved to refuse planning permission for the redevelopment of the Lots Road Power Station site for the following reason:

"The proposed development would include a new high building which would significantly exceed the height of existing buildings to the east of Blantyre Street and that of neighbouring buildings. It would consequently represent a departure from Unitary Development Plan Policies CD6 and CD37 and would be harmful to the skyline, important views and surrounding conservation areas by virtue of its height, design and location contrary to Policies CD1, CD25, CD27, CD28 and CD63".

- 2 The decision to refuse planning permission on one ground only, relating to townscape and high building issues, was informed by a recommendation which included agreed Heads of Terms of a Section 106 agreement. The obligation would have, in the event of planning permission being granted, secured a package of measures designed to ameliorate the impact of the proposal and provide community benefits, including a significant provision of affordable housing.

2.0 THE APPEAL PROCEEDINGS

- 2.1 The refusal of planning permission is the subject of an appeal which is currently being heard at a public inquiry. This is scheduled to take place over the four weeks of February 2005.
- 2.2 The defence of the Council's reason for refusal is made in the light of an undertaking made from the appellants that they remain committed to the provision of measures set out in the Heads of Agreement. It was made clear to the appellants that in the absence of such an undertaking, the Council would be likely to advance additional reasons why planning permission should be refused.
- 2.3 The Council does not accept that the planning obligation being offered is sufficient to outweigh the reason for refusal or to make the proposal acceptable in planning terms.
- 2.4 The appellants have confirmed their commitment to the previously agreed Heads of Terms and these have been included in an agreed Statement of Common Ground submitted to the appointed Inspector.
- 2.5 The normal procedural expectation in such circumstances is that the parties should be in a position to sign an agreed draft of any S.106 planning obligation prior to the close of the inquiry. This action would in no way prejudice the outcome of the appeal but would confirm and

safeguard the provision of affordable housing, transportation improvements, and other benefits in the event of the Inspector deciding to recommend that planning permission is granted by the First Secretary of State.

3.0 RECOMMENDATION

- 3.1 That the Executive Director, Planning and Conservation, be authorized to enter into a S.106 agreement based on the appended Heads of Terms, to secure the measures set out therein, in the event of planning permission being granted on appeal.

Report Prepared by: JT

Background Papers: Contents of file PP/02/1324

**DAVID PROUT
EXECUTIVE DIRECTOR, PLANNING AND BOROUGH DEVELOPMENT**

List of Background Papers:

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

**Report Prepared By: JT
Report Approved By: BC/LAWJ
Date Report Approved: 20/10/2003**

PSC/JT.REP

01/05/2007 15:24:12

Conversion of Power Station to provide a mix of residential, retail, office, business and restaurant uses, together with erection of a 25 storey residential tower with ground floor gym, a 3-8 storey building incorporating commercial and residential uses, a 9 storey residential building, associated parking, servicing and landscaping, and works to Chelsea Creek, including three pedestrian bridges.

SUMMARY OF REASONS FOR DECISION

You are advised that this application was determined by the Local Planning Authority with regard to the policies in the Council's Unitary Development Plan, and was considered to comply with these policies. In particular, the following policy/policies were considered:

The London Plan was taken into consideration. No policies were considered of particular relevance to this application.

The material circumstances of the case, including site history, location, and impact on amenities were considered.

In addition, consideration was given to the results of public consultation.

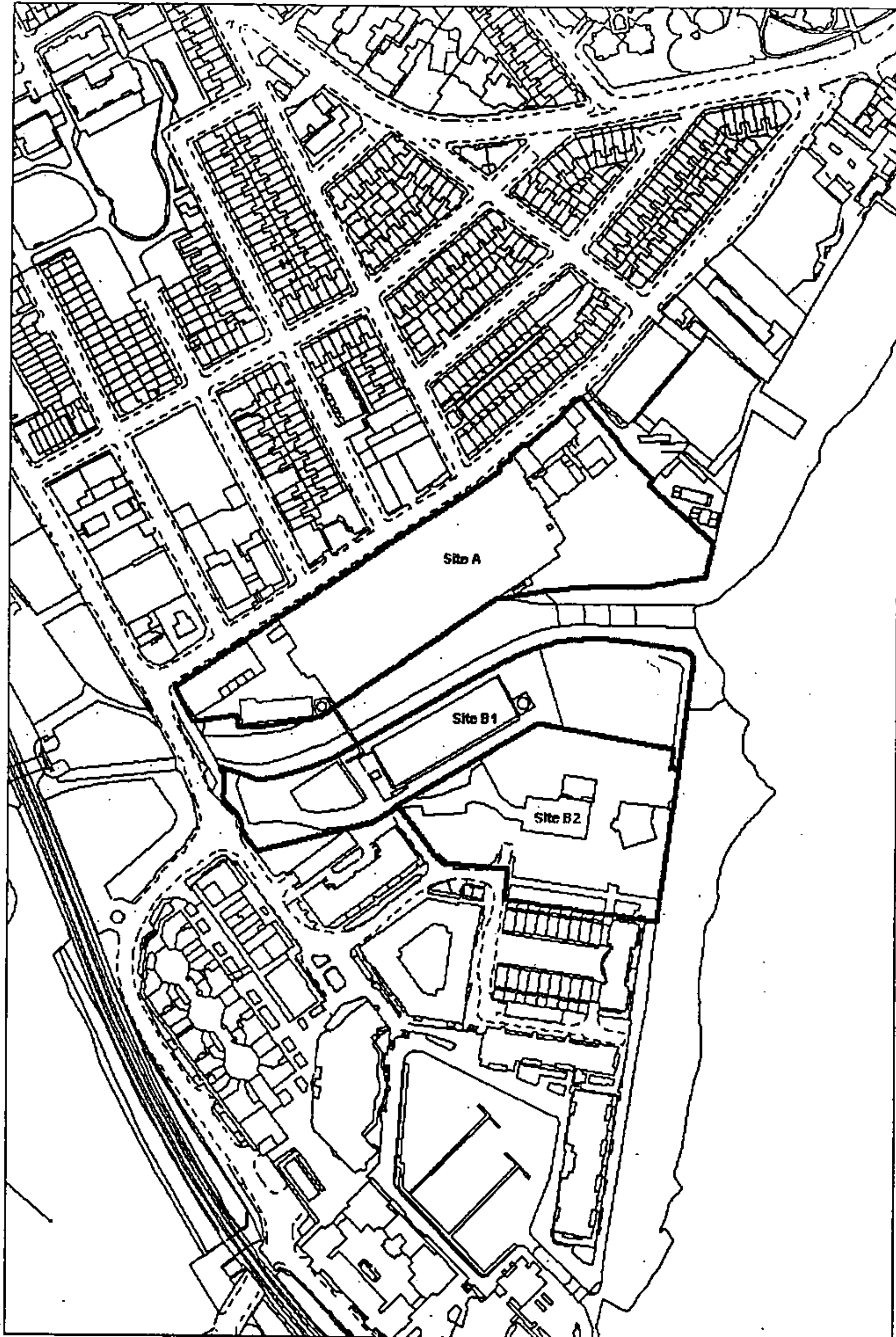
It was concluded that there was no impact upon the amenities of adjoining occupiers, or upon the character or appearance of the area, that would justify a refusal in this case.

The full report is available for public inspection at the Planning Information Office, Room 325, Town Hall, Hornton Street, London, W8 7NX.

Ward: Sands End

Site Address:

Land Adjacent To South Side Of Chelsea Creek, Chelsea
Harbour Drive Chelsea Harbour London



Reg. No:

2002/03132/FUL

Date valid:

19.12.2002

Committee Date:

25.06.2003

Case Officer:

Moralee Stephen

Conservation Area:

Sands End

Applicant:

Circadian Ltd

C/O 4 Dunraven Street London W1Y 3FG

Description:

Demolition of buildings ancillary to the Lots Road Power Station and redevelopment of all unbuilt land to provide 395 units of residential accommodation (comprising 100 one bedroom units, 157 two bedroom units, 113 three bedroom units and 21 four bedroom units 2 five bedroom units and 2 six bedroom units) together with 267 car parking spaces, a gymnasium (823 sq.m) and associated works to Chelsea Creek and Chelsea Basin, including the construction of three bridges over the creek.

Drg Nos: LRTW4/PA/00-000; LRTW4/PA/00-01; LRTW4/PA/03-001; LRTW4/PA/03-002; LRTW4/PA/03-003; LRTW4/PA/04-001; LRTW4/PA/04-002; LRTW4/PA/04-003; LRTW4/PA/04-004; LRTW4/PA/04-005; LRTW4/PA/04-006; LRTW4/PA/04-007; LRTW4/PA/05-001; LRTW4/PA/05-002; LRTW4/PA/05-003; LRTW4/PA/05-004; LRTW4/PA/05-005; LRTW4/PA/05-006; LRTW4/PA/05-007; LRTW4/PA/05-008; LRTW4/PA/05-009; LRTW4/PA/05-010; LRTW4/PA/05-011; LRTW4/PA/05-012; LRTW4/PA/05-013; LRTW4/PA/05-014; LRTW4/PA/05-015; LRTW4/PA/05-016; LRTW4/PA/05-017; LRTW4/PA/05-018; LRTW4/PA/05-019; LRTW4/PA/06-020; LRTW4/PA/06-021; LRTW4/PA/06-022; LRTW4/PA/06-023; LRTW4/PA/06-024; LRTW4/PA/06-025; LRTW4/PA/06-026; LRTW4/PA/06-027; LRTW4/PA/06-028; LRTW4/PA/06-029; LRTW4/PA/06-030; LRTW4/PA/06-031; LRTW4/PA/06-032; LRTW4/PA/06-033; LRTW4/PA/07-001; LRTW4/PA/07-002; LRTW4/PA/07-003; LRTW4/PA/07-004; LRTW4/PA/07-005; LRTW4/PA/07-006; LRTW4/PA/08-101; LRTW4/PA/08-102; LRTW4/PA/08-103; LRTW4/PA/08-104; LRTW4/PA/08-105; LRTW4/PA/08-106; LRTW4/PA/08-107; LRTW4/PA/08-108; LRTW4/PA/08-109; LRTW4/PA/08-110; LRTW4/PA/08-111; LRTW4/SK-103; 589/01; 589/02; 589/03; 589/04; 589/05; 589/06; 589/07; 589/08; 589/09; 589/10; 589/11; 589/12; 589/13; 589/14; 589/15; 589/16; 589/17; 589/18; 589/19; 589/20; 589/21

Application type

Full Detailed Planning Application

Officer's Recommendation

Subject to there being no contrary direction from the Government Office for London and the Mayor of London, the committee resolve that the Director of the Environment Department be authorised to grant planning permission upon the completion of a satisfactory Section 106 Agreement subject to the following conditions:

Further Recommendation for the purposes of regulation 21(1)(c) of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999:

Subject to approval of the main recommendations to grant outline planning permission, Committee resolve that the main reasons and considerations on which its decision is based are all the material considerations contained in the officer's report together with the material issues raised in the course of debate at the Committee meeting, including the environmental information, including the applicant's Environmental Statement and all representations made about the environmental effects of the proposed development.

- 1 The development hereby permitted must be begun not later than the expiration of 5 years from the date of this permission.

Condition required to be imposed by section 91(1)(a) of the Town and Country Planning Act 1990.

- 2 The development shall not commence until detailed elevations and sections of typical bays to each building to a scale of 1:20, have been submitted to and approved in writing by the local planning authority and the development and works shall be implemented in accordance with the approved details.

To ensure satisfactory external appearance, in accordance with Policies EN2 and EN8 of the adopted Unitary Development Plan.

- 3 The development shall not commence until details at a scale of 1/100 showing the treatment of all un-built areas including areas of hard and soft landscaping (including the provision of historic artefacts and information boards), annotated to indicate particulars of the materials and planting to be used, parking and bicycle spaces and boundary walls or other means of enclosure have been submitted to and approved in writing by the local planning authority and the development and works shall be implemented in accordance with the approved details.

To ensure a satisfactory external relationship with its surroundings in accordance with Policies EN2 and EN8 of the adopted Unitary Development Plan.

- 4 The development shall not commence until details of the means by which wheelchair access will be provided between the Thames Path and the Riverside Square have been submitted to and approved in writing by the local planning authority and the works shall be implemented in accordance with the approved details.

To ensure satisfactory access provision is made for people in wheelchairs in accordance with Policy TN4 of the adopted Unitary Development Plan

- 5 The development and works shall not commence until samples of the facing, roofing and paving materials to be used in the proposed development have been submitted to and approved in writing by the local planning authority and the development shall be implemented in accordance with the approved details.

To ensure a satisfactory development with regard to landscape and recreational interests in accordance with Policies EN34 and EN37 of the adopted Unitary Development Plan

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

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

- 7 A horizontal access strip at least 5 metres wide adjacent to the River Thames frontage shall be provided and shall be left free from any permanent development including ventilation grills, lighting columns and significant planting and changes in level.

In order for the Environment Agency to carry out its functions and to protect the river environment.

- 8 A scheme for access to the river wall on the landward side of Chelsea Creek at building HF3A must be submitted to and approved in writing by the Local Planning Authority before development commences.

To provide adequate access to the river wall in order for the Environment Agency to carry out its functions and to allow flood defence and ecological issues to be addressed.

- 9 No development approved by this permission shall be commenced until a scheme for the treatment of the Creek bed is submitted to and approved in writing by the Planning Authority. The scheme shall then be completed in accordance with the details agreed.

To protect and enhance the ecological value of the River Thames

- 10 No development approved by this permission shall be commenced until a methodology for the phasing of works to the Creek has been submitted to and approved in writing by the Planning Authority. Works shall then be completed in accordance with the details agreed.

The works must be phased and undertaken in sections in order to protect and conserve the conservation value of the Creek and provide refuges for wildlife using the Creek.

- 11 No development approved by this permission shall be commenced until a scheme for the enhancement of the riverside to include intertidal terraces alongside the River/ Creek has been approved by and implemented to the satisfaction of the Planning Authority. This must include the design, method of construction, dimensions, elevation (in relation to tidal levels) and material. Planting should be limited to appropriate native species only.

To protect and enhance the ecological value of the River Thames

- 12 The design and location of the ruderal type habitat, commonly known as 'brown roofs' on all the blocks adjacent to the Creek, shall be submitted to and approved in writing by the Planning Authority before the development commences. This shall include location, design, dimensions and materials. Works shall then be completed in accordance with the approved details.

To protect/conservate the natural features and character of the area in order that the loss of wasteland habitat is fully compensated.

- 13 The design, dimensions, location and construction of the high roost ledges on all the blocks adjacent to the Creek shall be submitted to and approved in writing by the Planning Authority before the development commences. This must include location, design, dimensions and materials.

To protect/conservé the natural features and character of the area.

- 14 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens shall be submitted to and approved in writing by the Planning Authority before the development commences. The landscape management plan shall be carried out as approved.

To protect/conservé the natural features and character of the area.

- 15 No development approved by this permission shall be commenced until a planting scheme including suitable marginal and aquatic species for the development, has been approved in writing by the Planning Authority. The approved scheme shall be carried out in accordance with a programme for planting and maintenance related to stages of completion of the development.

To protect, restore or replace the natural features of importance within or adjoining the River/ Creek.

- 16 There shall be no storage of materials within 8m metres of the Thames and 4m from Chelsea Creek. This area must be suitably marked and protected during development and there shall be no access during development within this area. There shall be no fires, dumping or tracking of machinery within this area.

To reduce the impact of the proposed development on wildlife habitats upstream and downstream, including bankside habitats.

- 17 No development approved by this permission shall be commenced until a detailed scheme for the construction and design of the bridges has been approved in writing by the Planning Authority.

To protect and conserve the character and value of the River/ Creek.

- 18 No development approved by this permission shall be commenced until a detailed scheme for the retreating of the flood defence line along the Creek by the Creekside Garden area has been submitted to and approved in writing by the Local Planning Authority. The scheme shall then be carried out in accordance with the details submitted.

To enhance the landscape, recreational and ecological value of this area.

- 19 An access/ egress boat-landing feature shall be constructed from the path adjacent to the Creekside Park/ Garden to the Creek. The design shall be agreed in writing by the Local Planning Authority before development commences. The scheme shall then be completed in accordance with the agreed details.

To provide a useable landing point for vessels that are able to navigate under the proposed bridges at various states of the tide.

- 20 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), no aerials, antennae, satellite dishes or related telecommunications equipment shall be erected on any part of the development hereby permitted, without planning permission first being obtained.

To ensure that the visual impact of telecommunication equipment can be considered in accordance with Policies EN2, EN8 and EN33 of the adopted Unitary Development Plan.

- 21 The development shall not commence until details have been submitted and approved in writing to the local planning authority of the area allocated for the parking of bicycles by users of the development and such details as approved shall be implemented prior to occupation of 90% of the development.

To ensure the provision and permanent retention of bicycle spaces in accordance with Policy TN6 of the adopted Unitary Development Plan.

- 22 The whole of the parking accommodation shown on the approved drawings at ground level beneath the residential block must be provided and retained permanently for the accommodation of motor vehicles of the occupiers and users of the residential dwellings and shall not be used for any other purpose.

To ensure the provision and permanent retention of the parking spaces so as to ensure that the development does not result in additional on-street parking stress detrimental to the amenity of surrounding residents in accordance with Policy TN13 and standard 18 of the adopted Unitary Development Plan.

- 23 No development shall commence until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant to, and approved by, the local planning authority.

To ensure that if any archaeological heritage is identified on the application site its presence is properly investigated in accordance with Policy EN7 of the adopted Unitary Development Plan.

- 24 Prior to the commencement of the development hereby permitted details of the refuse storage, including provision for the storage of recyclable materials, have been submitted to and approved in writing by the Council. Such details as approved must be implemented prior to the use of the stadium or occupation of the residential dwellings and thereafter permanently maintained.

To ensure a satisfactory provision for refuse storage and recycling in accordance with Policy EN17 of the adopted Unitary Development Plan.

- 25 No development shall commence until a desktop study, intrusive investigation, and risk assessment have been submitted to and approved in writing by the Council. The risk assessment will assess the degree and nature of any contamination on site and assess the risks posed by any contamination to human health, controlled waters and the wider environment. The scope of the investigation is to be agreed with the Council in advance of the works. A detailed method statement for any required remediation works will need to be submitted to, and approved in writing, by the Council.

To ensure that any contaminated land on the application site is identified and remediated in accordance with Policy EN21A of the Unitary Development Plan Alterations

- 26 No development shall commence until any required remediation works have been completed and a validation report to verify these works has been submitted to, and approved in writing, by the Council.

To ensure that any contaminated land on the application site is identified and remediated in accordance with Policy EN21A of the Unitary Development Plan Alterations

27. There are isolated hotspots, heavy metals and hydrocarbons, shown on previous site investigations, mainly associated with the made ground on the site. It is understood that the excavation of a basement for car parking will remove the majority of the soil contamination. For those areas which are not to be removed during redevelopment, the intentions regarding these hotspots should be given before development is commenced. There are also proposals to validate any excavation. Remedial target levels should be confirmed.

To prevent pollution of the water environment.

28. The Council should be informed immediately if any unsuspected contamination is identified during the works. A report indicating the nature of contamination and how this is to be dealt with should be submitted to, and agreed in writing by, the Council. Any required remediation should be detailed in a remediation statement and verified in the validation statement.

To ensure that any contaminated land on the application site is identified and remediated in accordance with Policy EN21A of the Unitary Development Plan Alterations

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

To ensure that television interference caused by the development is remediated in accordance with Policy EN41 of the UDP Alterations.

**LOCAL GOVERNMENT ACT 2000
LIST OF BACKGROUND PAPERS**

All Background Papers held by Nada Jovic (Ext.3340).

Application form received: 17th December 2002
Drawing Nos: see above

Policy documents:

Adopted Unitary Development Plan 1994.
Proposed Alterations to the Written
Statement with Revisions: June 2000.
London Borough of Hammersmith and
Fulham UDP Alterations Inspectors Report:
November 2001.
Environmental Statement December 2002
and accompanying appendices.

Consultation Comments**Comments from:****Dated:**

Civil Aviation Authority - Safety Regulation Group	22.01.03, 14.03.03
City Of Westminster	11.02.03
London Borough Of Wandsworth	18.03.03
London Borough Of Lambeth	05.03.03
English Nature	11.02.03, 17.03.03
English Heritage	19.03.03
English Heritage - Archaeological Department	06.02.03
Commission For Architecture And The Built Environment	31.01.03
Greater London Authority - Planning Decisions Unit	26.02.03
Port Of London Authority	31.01.03
Westminster Society	24.12.03, 05.03.03
Hammersmith & Fulham Historic Buildings Group	18.02.03
Council For The Protection Of Rural England	31.01.03
Chelsea Harbour Residents Association	29.01.03
The Chelsea Society	28.02.03
National Air Traffic Services	04.02.03

Neighbour Comments:

Letters from:

Dated:

33 The Quadrangle Chelsea Harbour Drive Chelsea Harbour SW10	21.01.03
5 The Quadrangle Chelsea Harbour Drive Chelsea Harbour SW10	31.01.03
13 The Quadrangle Chelsea Harbour Drive Chelsea Harbour SW10	29.01.03
16 The Quadrangle Chelsea Harbour Drive Chelsea Harbour SW10	27.01.03
6 Admiral Court Admiral Square Chelsea Harbour SW10	22.01.03, 06.02.03
12 Admiral Court Admiral Square Chelsea Harbour SW10	21.01.03
14 Admiral Court Admiral Square Chelsea Harbour SW10	28.01.03
2 Admiral Court Admiral Square Chelsea Harbour SW10	25.01.03
The Old Sun House 2 Cheyne Row SW3	18.03.03
47 Carlyle Court Chelsea Harbour Drive Chelsea Harbour SW10	31.01.03
17 King's Quay Thames Avenue Chelsea Harbour SW10	29.01.03
17 Admiral Court Admiral Square Chelsea Harbour SW10	30.01.03
11 Carlyle Court Chelsea Harbour Drive Chelsea Harbour SW10	26.01.03
13 Chelsea Crescent Harbour Avenue Chelsea Harbour SW10	27.03.03
34 Chelsea Crescent Harbour Avenue Chelsea Harbour SW10	30.01.03
36 Chelsea Crescent Harbour Avenue Chelsea Harbour SW10	28.01.03
10 The Belvedere Harbour Avenue Chelsea Harbour SW10	28.01.03
13 The Belvedere Harbour Avenue Chelsea Harbour SW10	06.01.03
16 The Belvedere Harbour Avenue Chelsea Harbour SW10	28.01.03
11 Thames Quay Thames Avenue Chelsea Harbour SW10	28.01.03
17 Thames Quay Thames Avenue Chelsea Harbour SW10	27.01.03
21 Thames Quay Thames Avenue Chelsea Harbour SW10	27.01.03
23 Thames Quay Thames Avenue	

Chelsea Harbour SW10	31.01.03
47 Thames Quay Thames Avenue	27.01.03, 28.01.03
Chelsea Harbour SW10	28.01.03
Flat A First Floor 150 Stephendale Road SW6	11.06.03
6 Beltran Road SW6	24.01.03
60 Beltran Road SW6	12.06.03
11 Carlyle Court Chelsea Harbour SW10	26.01.03
19 Ashburnham Road SW10	15.02.03
9 Ashburnham Road SW10	15.02.03
13 The Belvedere Chelsea Harbour SW10	06.01.03
37D Cremorne Mansions Cremorne Road SW10	10.01.03
9A Burnaby Street SW10	11.06.03
28 Carlyle Court Chelsea Harbour SW10	21.01.03
6 Beltran Road Fulham SW6	24.01.03
London Transport Users Committee	
6 Middle Street EC1A	22.01.03
16 The Belvedere Chelsea Harbour SW10	28.01.03
33 The Quadrangle Chelsea Harbour SW10	21.01.03
41 Uperne Road SW10	26.01.03
11 Carlyle Court Chelsea Harbour SW10	07.01.03, 26.01.03
21d Thorney Crescent Morgan's Walk SW11	21.01.03
603 The Chambers Chelsea Harbour SW10	15.01.03
Peterborough Road Area Residents Assoc	
75 Peterborough Road SW6	16.01.03
Metro Business Aviation London Heliport	
Lombard Road SW11	29.01.03
Sparepenny Cottage Eynsford Kent DA4 0JJ	29.01.03
11 Kerrier House 41 Stadium Street SW10	19.01.03
47 Thames Quay Chelsea Harbour SW10	27.01.03, 28.01.03
11 Thames Quay Chelsea Harbour SW10	29.01.03
4 Admiral Square Chelsea Harbour SW10	29.01.03
2 Admiral Court Chelsea Harbour SW10 0UU	25.01.03
36 Chelsea Crescent Chelsea Harbour SW10	28.01.03
14 Admiral Court Chelsea Harbour SW10	30.01.03
3rd Floor, Lift Bank D Imperial College London	
Chelsea And Westminster Hospital	
369 Fulham Road SW10	03.02.03
16 The Quadrangle Chelsea Harbour SW10	27.01.03
10 Admiral Square Chelsea Harbour SW10	29.01.03
17 King's Quay Chelsea Harbour SW10	29.01.03
Leonard House 5-7 Marshalsea Road	
London Bridge SE1	04.02.03
Ivy Cottage 56 Uverdale Road SW10	04.02.03
46 De Morgan Road SW6	24.02.03
23, Thames Quay, Chelsea Harbour SW10	31.01.03
18 Stadium Street SW10	15.02.03
The Garden Flat 11 Burnaby Street SW10	12.02.03
11 Burnaby Street SW10	08.02.03
14 Burnaby Street SW10	03.03.03
21 Burnaby Street SW10	10.02.03, 09.03.03

6 Stadium Street SW10	15.02.03
26 Stadium Street SW10	12.06.03
35 Tetcott Road SW10	15.02.03
44 Uverdale Road SW10	03.03.03
34 Uverdale Road SW10	21.02.03
54 Ulverdale Road Flat C SW10	01.03.03
38D Whistlers Avenue Morgans Walk SW11	21.01.03
The Chelsea Society 39 Elm Park Gardens SW10	28.02.03
Battersea Society 34 Albany Mansions	
Albert Bridge Road SW11	10.02.03
The Royal Parks	
The Old Police House Hyde Park W2	28.04.03
Friends Of Brompton Cemetery	
39 Hollywood Road SW10	14.04.03
92 Ifield Road SW10	27.04.03
2 Admiral Square SW10	29.01.03
4 Admiral Square SW10	28.01.03
6 Admiral Square Chelsea Harbour SW10	05.02.03, 06.02.03
14 Admiral Square Chelsea Harbour SW10	30.01.03
16 Admiral Square Chelsea Harbour SW10	28.01.03
GL Hearn Leonard House	
5-7 Marshalsea Road London Bridge SE1	31.01.03
21 St Leonards Terrace SW3	12.06.03
46 Lots Road SW10	12.06.03
Starkes Heath Rogate Petersfield	
Hampshire GU31 5EJ	16.06.03
Shaddow Environment Deputy	
Parsons Green And Walham Ward Councillor	27.01.03
25 Tetcott Road SW10	04.02.03

OFFICER'S REPORT

1.0 **BACKGROUND**

1.1 **Site and Surroundings**

This report addresses the issues raised by a planning application which forms part of a combined proposal to redevelop the site at Lots Road Power Station and land off Thames Avenue. The site comprises two separate parcels of land, which together are bounded by Lots Road to the north and Chelsea Harbour to the south. The sites are situated on the west bank of the River Thames, between Wandsworth Bridge and Battersea Bridge. The sites are bisected by Chelsea Creek, which also forms the boundary of the Royal Borough of Kensington and Chelsea and the London Borough of Hammersmith and Fulham. Chelsea Creek and Basin are included as part of the planning application site areas.

1.2 Two applications have been submitted, one to the Royal Borough of Kensington and Chelsea (Site A) and one to this Council (Site B). Site

A, north of Chelsea Creek, contains the Lots Road Power Station, one of three original power stations remaining in this part of central London, together with ancillary buildings. The power station currently supplies electricity to London Underground Ltd. Site B (the application site) is situated south of the creek on land in this borough) and is accessed via Chelsea Harbour Drive or Thames Avenue. Site B is occupied by a large storage building that has been used ancillary to the power station. The remaining land comprises mainly uneven scrub, grassland and hard surfacing.

1.3 The application site in this borough (site B) is located adjacent to the existing Chelsea Harbour scheme, a residential development with a commercial element. To the south of Chelsea Harbour, separated by the elevated West London Railway Line is Imperial Wharf, a mixed residential and commercial development, currently under construction.

1.4 An Environmental Statement with supporting documents has been prepared covering the sites in both boroughs (see background papers). Whilst the two applications have been submitted as separate stand-alone developments, the applicant has indicated that both proposals have been designed to form one larger scheme.

Relevant Planning History

1.5 In 1986 planning permission was granted for the redevelopment of Chelsea Harbour and included a continuation of the development over the whole area on the south side of Chelsea Creek as and when the land became available. Whilst the development of this additional phase would have involved the building of a further 173 market dwellings, one of the planning conditions was that all but four blocks should be built in the first phase as a continuous development. Six blocks remain to be constructed. Two of the six unbuilt blocks would thus be in breach of this condition.

1.6 The remaining four blocks would not fall foul of this condition and could, in theory, still be built under the 1986 permission. However, changes in circumstances, including amendments to the building regulations, have resulted in the applicant proposing material alterations to the external appearance of these blocks. These alterations require planning permission. In June 2002 the applicant submitted four planning applications, in duplicate, one for each individual development, Fountain Court, Thames Point, The Quadrangle and Commodore Square. These applications were recommended for refusal by officers but were all deferred at the Planning Committee meeting on 16 October 2002 to enable legal opinion to be sought on late legal submissions put forward by the applicant. Officers subsequently considered the submissions and were of the view that they did not alter the Council's approach. The Council's statement of case was submitted to the Planning Inspectorate. The appeal is to be heard by way of Public Inquiry on 17

June 2003 there are four duplicate applications which still await determination.

- 1.7 As regards more recent proposals for the redevelopment of the same area of land, i.e. that comprising the area of the uncompleted 1986 permission, there have been three schemes submitted for planning permission, Scheme 1 in June 2001, Scheme 2 in May 2002 and Scheme 3 in December 2002 (the current proposal). The following table summarises some of the key differences between the schemes. Unless otherwise stated all the figures relate to the proposed development in LBHF only.

Number of Flats

	Scheme 1	Scheme 2	Scheme 3
Numbers of Flats	464	443	395
Market	314 (67.7%)	221 (49.9%)	181 (45.8%)
Affordable	150 (32.3%)	142 (32%)	184 (46.6%)
Intermediate	-	80 (18%)	30 (7.6%)

Number of Bedrooms

	Scheme 1	Scheme 2	Scheme 3
Total Numbers of Bedrooms	849	709	857
Market	593 104 x 1 bed 151 x 2 bed 49 x 3 bed 10 x 4 bed	505 34 x 1 bed 111 x 2 bed 55 x 3 bed 21 x 4 bed	414 30 x 1 bed 78 x 2 bed 64 x 3 bed 9 x 4 bed
Affordable	256 24 x studio 40 x 1 bed 66 x 2 bed 20 x 3 bed	204 86 x 1 bed 50 x 2 bed 6 x 3 bed	413 40 x 1 bed 79 x 2 bed 49 x 3 bed 12 x 4 bed 2 x 5 bed 2 x 6 bed
Intermediate	-	112 34 x 1 bed 14 x 2 bed 32 x 3 bed	30 30 x 1 bed

Number of habitable rooms (actual number rather than based on UDP)

	Scheme 1	Scheme 2	Scheme 3
Numbers of Habitable Rooms	1298	1032	1249

Market	916	686	590
Affordable	382	346	599
Intermediate	-	158	60

Number of parking spaces

	Scheme 1	Scheme 2	Scheme 3
Numbers of Parking Spaces	493	296	267
Market	Undefined allocation	276	175
Affordable	Undefined allocation	20	92
Intermediate	Undefined allocation	0	0

1.8 Each of the three schemes comprise a number of separate applications. Three applications were submitted for Scheme 1 in June 2001 in respect of a comprehensive redevelopment of the Lots Road Power Station site and Land at Thames Avenue. At that time the land in this borough was occupied by two different parties and was divided into sites B1 and B2. Site A was in RBKC. Together these three sites comprised Scheme 1. Site B1 was land occupied by the operators of the Power Station and site B2 had already been acquired by the applicant from the owners of Chelsea Harbour. Separate applications were submitted for each site. The two applications in LBHF for sites B1 and B2, involving the provision of 464 residential units and 493 parking spaces together with a restaurant, were both refused planning permission on 2 April 2002 for the following reasons:-

1. The proposed development is unacceptable in that it would result in an intensive form of development which would fail to comply with policies H07, EN23A, EN31 and TN13 in the adopted Unitary Development Plan and the emerging UDP Alterations
2. The proposed development is unacceptable due to its height, scale, massing, site and relationship to existing development contrary to Policy EN8 of the adopted Unitary Development Plan and the emerging UDP Alterations
3. The proposed development is unacceptable in that it harms local views in particular from the local riverside walk and Chelsea harbour contrary to Policies EN9 and EN31 of the adopted Unitary Development Plan and the emerging UDP Alterations
4. The proposed development is unacceptable in that the proposals for public open space do not comply with the Site Policy 22 in the UDP Alterations in that the public open space should relate to the Nature Conservation Area of Chelsea Creek

5. The proposed development is unacceptable in that it would result in conditions prejudicial to the amenities of adjoining occupiers of Chelsea Harbour by reason of overlooking and loss of daylight due to the proximity, height and massing of the development. As such, the development would be contrary to Standard S3 and S13 of the adopted Unitary Development Plan and the emerging UDP Alterations
6. The proposed development is unacceptable in that it would, in conjunction with the development of adjoining sites, result in the generation of traffic over and above that which would adequately be accommodated on the existing highway network, creating adverse conditions impacting on highway safety contrary to Policy TN13 of the Unitary Development Plan and the emerging UDP Alterations. It is not considered that the measures indicated by the applicant to encourage greater public transport use are sufficiently robust or achievable to mitigate the increased congestion of the highway that would occur, or to demonstrate that the development would be acceptable in the light of objectives for the borough's Air Quality Management Area
7. No provision is made for the education of children residing in the proposed development in an area which, due to existing commitments, will be deficient in school places contrary to Policy CS8 of the adopted Unitary Development Plan and the emerging UDP Alterations
8. The proposed development would not provide sufficient private open amenity space and playspace for the occupiers of the dwellings as indicated in Supplementary Planning Guidance and Standard 5A and S7.1A of the emerging UDP Alterations
9. The proposed development is unacceptable in that it does not provide sufficient affordable housing of an appropriate tenure and quality to meet the housing needs of the borough and is therefore contrary to Policies H05 and EN23B of the adopted Unitary Development Plan and the emerging UDP Alterations

1.9 The third Scheme 1 application, for the development of site A in the Royal Borough of Kensington and Chelsea, was also refused planning permission for the following reasons.

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

2. The proposal by virtue of its height and bulk would adversely affect sunlight and daylight conditions and contribute to a sense of enclosure to neighbouring residential property contrary to the provisions of the Unitary Development Plan and Proposed Modifications thereto, in particular Policies CD28 and CD30a.
3. The development, by virtue of the height, massing, orientation, bulk, scale, design of the buildings and open spaces would be poorly integrated into its surroundings to the detriment of the character and appearance of the river frontage, views from surrounding areas and townscape contrary to the provisions of the Unitary Development Plan and Proposed Modifications thereto, in particular Policies STRAT 5, STRAT 7, STRAT 8, CD1, CD4, CD25, CD25A, CD31 and CD54.
4. The proposed development provides insufficient affordable housing of an appropriate tenure and quality to meet the housing needs of the borough, contrary to the provisions of the Unitary Development Plan, and Proposed Modifications thereto, in particular Policy H23.
5. The proposed development, in conjunction with the development of adjoining sites, would be likely to result in the generation of traffic over and above that which could be adequately accommodated on the existing highway network, contrary to the provisions of the Unitary Development Plan and Proposed Modifications thereto, in particular Policy TR39.
6. The proposal fails to make adequate provision for business and employment floorspace in the context of redevelopment within a designated employment zone contrary to the provisions of the Unitary Development Plan and Proposed Modifications thereto, in particular Policies STRAT 17, STRAT 19, E13, E23f and E23h.

1.10 Subsequently the proposals for both boroughs were revised, resulting in Scheme 2, and a further application (in duplicate) was submitted to each borough in May 2002. They still involved the conversion of the power station, demolition of associated out buildings, including the large storage building in this borough, and construction of buildings primarily for residential purposes. The total number of residential units proposed was reduced from 912 to 866, together with commercial and community uses. Overall, the proposed development would have involved the construction of 15 new residential blocks, including two tower blocks of 30 and 25 storeys. These would have been located at each side of the mouth of Chelsea Creek, the taller tower being in RBKC.

1.11 The development site in this borough now included the previous sites B1 and B2 as one unified site, i.e. site B. A total of 443 residential units were proposed for this land (154 one bed, 175 two bed, 93 three

bed and 21 four bed units). The proposal involved the erection of 11 new residential blocks and one detached dwelling (12 buildings in total), ranging from 3 storeys up to a maximum 25 storeys, with associated open space, landscaping and car-parking.

1.12 Of the proposed 443 residential units in the second submission, 222 (50%) were put forward as "affordable" although only 142 (32%) would necessarily fall within the UDP definition of affordable housing. The 222 units would have been located in five blocks (HF8-12) opposite the creek and would have comprised, 120 one bed, 64 two bed and 38 three bed units. Blocks HF8-11 would have been 8-storeys, containing 142 registered social landlord (RSL) rented units and Block HF12 would have been 12-storeys, containing 80 other units defined as "intermediate housing". The draft London Plan (para 3A.30) defines "intermediate housing" as sub-market housing substantially above Housing Corporation target rents, but substantially below open market levels. It includes low-cost home ownership schemes and key worker housing. It may also include low-cost market housing where the price is close to other forms of intermediate housing.

1.13 The market housing included a 25 storey tower (HF1) 81 metres high on the south side of the creek mouth, containing 48 flats. A riverside restaurant use (832 s.q.m) was proposed at the base of this tower. An 11-storey block (HF5) was to be sited at the opposite end of the river frontage, adjacent to the Chelsea Harbour development, separated from that development by a three storey detached house (HF6). The remaining blocks ranged from 6 to 9 storeys. Block HF7 would have provided ground floor accommodation for transport and estate management and site security.

1.14 A total of 296 car parking spaces were proposed. 276 spaces would have been located in a single underground level beneath the market housing blocks with an additional 20 bays situated at ground level adjacent to the affordable housing. The 20 surface level bays would have been allocated to the affordable units with the 276 spaces in the underground car park allocated to the market units. Vehicular access was shown to be from the existing Chelsea Harbour road network or via a separate access road formed adjacent to the bridge over the creek from Lots Road.

1.15 The proposal included a riverside walkway and a creekside walkway with the creation of inter-tidal terracing within the creek itself. In addition a riverside square and oval space in the centre of the scheme were to be linked to existing and proposed pedestrian routes. Green roof technology was also proposed for all blocks fronting the creek for ecological purposes. This involved the planting of vegetation to provide a habitat and food source for wildlife.

1.16 This application was refused planning permission on 11 September 2002 for the following reasons:-

- i) The proposed development is unacceptable in that it is at a density level in excess of that permitted by Policy HO7 and Standard S2 of the Unitary Development Plan (UDP) and the proposed modifications to the UDP.
- ii) The proposed development is unacceptable due to its height, scale, massing, siting and its relationship to existing development contrary to policy EN8 of the Unitary Development Plan (UDP) and the proposed modifications to the UDP.
- iii) The proposed development is unacceptable in that it harms important views contrary to policies EN9 and EN31 of the Unitary Development Plan (UDP) and the proposed modifications to the UDP.
- iv) The proposed development is unacceptable in that it would harm the character and appearance of the Sands End Riverside Conservation Area and the Thames Policy Area contrary to policies EN2, EN31 and EN31X of the Unitary Development Plan (UDP) and the proposed modifications to the UDP.
- v) The proposed development is unacceptable in that the proposals for public open space are inadequate and do not comply with Site Policies 22 and 22A of the Unitary Development Plan (UDP) and the proposed modifications to the UDP.
- vi) The proposed development is unacceptable in that the width of the proposed walkway does not comply with the policy requirements of Policy EN34 of the Unitary Development Plan (UDP) and the proposed modifications to the UDP.
- vii) The proposed development is unacceptable in that it would result in demonstrable harm to the amenities of residential neighbours by reason of loss of daylight contrary to standard S3 of the Unitary Development Plan (UDP) and the proposed modifications to the UDP.
- viii) The proposed development is unacceptable in that it would, in important respects, be deficient in amenity for the residential occupiers of the proposed development by reason of overlooking, inadequate daylight and sunlight and poor aspect contrary to Standards S3 and S13 of the Unitary Development Plan (UDP) and the proposed modifications of the UDP.
- ix) The proposed development is unacceptable in that it would result in the generation of traffic over and above that which could be adequately accommodated on the highway network contrary to Policy TN13 and TN11A of the Unitary Development Plan (UDP) and the proposed modifications to the UDP.
- x) The proposed development is unacceptable in that no provision is made for the education of children who would reside in the proposed development contrary to Policy CS11 of the Unitary Development Plan (UDP) and the proposed modifications and that inadequate analysis has been carried out in other areas, eg. the

likely impact upon the health service and upon the objectives of the borough's air quality management area.

- xi) The proposed development is unacceptable in that it would not provide sufficient private open space contrary to Policy EN23B and Standards S5A and S7 of the Unitary Development Plan (UDP) and the proposed modifications to the UDP.
- xii) The proposed development is unacceptable in that it would not provide sufficient affordable housing to meet the housing needs of the borough, contrary to Policy HO5 of the Unitary Development Plan and the proposed modifications to the UDP.
- xiii) The proposed development is unacceptable in that it would include an encroachment into Chelsea Creek thereby reducing the flood storage capacity of the Creek and increasing the risk of flooding, it would prejudice flood defence interests and adversely affect the character of the watercourse.

2.0 CURRENT APPLICATION (Scheme 3)

2.1 Further proposals, Scheme 3, were submitted in the form of a new application to this borough in December 2002. The second application submitted to the Royal Borough of Kensington and Chelsea in May 2002 for the development of the land on the north side of Chelsea Creek has still not yet been determined. Concurrently with the submission of the present application to this borough, the applicant has also submitted revisions to the second (undetermined) application currently under consideration by the Royal Borough and these form the balance of scheme 3. The applicant highlights the principal amendments to the refused Scheme 2 relating to the application site in this borough as being:-

- a) a further reduction in the number of market units from 221 to 181 and an increase in the percentage of affordable units (registered social landlord tenants(RSL) and key workers (KW)) from 50% to 54%.
- b) an increase in height of block HF1 from 25 to 37 storeys
- c) the deletion of an eight storey block adjacent to the Creek where the Creekside Gardens is now proposed
- d) the reduction in height of blocks HF2, HF3-C (formally HF7), HF4 and HF5 by one storey.
- e) the removal of the three storey building, (formerly HF6) from the scheme.
- f) the removal of the one storey studios at the rear of block HF5
- g) the felling of a row of protected horse chestnut trees at the rear of block HF5
- h) design changes to the terracing of Chelsea Creek
- i) a gymnasium is proposed in place of the restaurant at the base of the tower block HF1.

Site B:

- 2.2 The application scheme in this borough (site B) now proposes a total of 395 residential units and 267 parking spaces compared to 464 units and 493 parking spaces refused in April 2002 and 443 units and 296 parking spaces refused in September 2002. As originally submitted the proposed scheme comprised 397 residential units but 4x2 bed ground floor units in block HF3 – B were substituted by 2x5 bed units, and 2 x 4 bed and 1 x 2 bed units were substituted by 2 x 6 bed and 1 x 1 bed units in block HF3-C.
- 2.3 The 181 market units would be accommodated in four buildings, HF1 which is a 37 storey tower, HF2 which is 7 storeys, HF4 which is part 7 storeys and part 8 storeys and HF5 which is part 8, part 9 and part 10 storeys, adjacent to a 5 storey block. In total they would provide 30 one bed, 78 two bed, 64 three bed and 9 four bed units.
- 2.4 The 214 affordable housing units would be accommodated in three buildings, HF3-A which is part 8 storey and part 10 storey, HF3-B which is 8 storey and HF3-C which is a D-shaped building rising progressively from 5 storeys up to 8 storeys. The 184 RSL units comprise 40 one bed, 79 two bed, 49 three bed 12 four bed, 2 five bed and 2 six bed units. The key worker units would comprise 30 one bed units.
- 2.5 Except for three parking spaces (allocated to the affordable housing) sited at ground floor level, the parking spaces would be situated at semi-basement level in two separate areas beneath the blocks relevant to their respective users, ie.89 for the affordable housing and 175 for the market housing.

Site A:

- 2.6 The current site A application to RBKC would involve the demolition of a series of buildings currently ancillary to the operations of the power station. The power station building block KC3 would be retained and a further 3 separate buildings blocks KC1, KC2 and KC4 would be erected. The majority of the non-residential accommodation would be located on Site A within the basement, ground and first floors of the power station and within the ground floor areas of the new buildings. The proposed accommodation would include a community space of 2325 sq ft. light industrial workshops and offices, a 100 place day nursery, cafe sandwich bar and/restaurant a post office, newsagent and bakers, a food store, chemist and doctors surgeries and estate management office, a museum and a transport information centre. The upper floors of the power station would be converted into residential dwellings. A total of 420 residential units are proposed on this site of which 166 (40%) would be for RSL rented affordable housing. Block KC1 would contain 40 market flats, block KC2 would contain 19 market flats and 55 affordable flats, block KC3 would contain 195 market flats

and 61 affordable flats and block KC4 would contain 50 affordable flats. A double basement car park would provide 250 spaces for the market housing and 150 spaces for the affordable housing and commercial units. The lower of the two proposed towers block KC1 would now be located on the north side of the creek mouth rising to a height of 122 metres (25 storeys). The two chimneys at the top of the power station would be extended and topped with internally illuminated lanterns.

Chelsea Creek

- 2.7 Works are also proposed to Chelsea Creek and Basin. The Creek would to be re-engineered to preserve a fully tidal creek and flood capacity. Inter-tidal terraces would be constructed, mostly in the creek, to form a creek-side park, with the introduction of plants and associated wildlife. The basin formed at the western end of the creek beyond the road bridge, would also be cleared of existing debris and similarly planted with indigenous species. The proposal would involve the erection of 3 pedestrian bridges across the creek linking both sites. The Thames riverside walkway within this borough would be continued up to the creek with a walkway alongside the creek to the road bridge and Lots Road. The Creek would retain its current navigability since the new bridges would have a similar clearance to the existing Lots Road bridge.

3.0 SUMMARY OF APPLICANT'S ENVIRONMENTAL STATEMENT

Introduction

- 3.1 The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, require certain projects to be assessed to establish whether they would have any significant effect on the environment. If so, the planning authority must ensure the applicant carries out an assessment and submits a report that identifies, describes and assesses the effects that the project is likely to have on the environment. Such an Environmental Statement has been submitted with this application. The following paragraphs of this section of the Committee report seek to summarize the main content of the Environmental Statement (ES).
- 3.2 The ES has been prepared by the applicant and states that the Master Plan, revised from the earlier applications, is intended to take account of comments raised by consultees, the public and the Planning Committees of both RBKC and LBHF on the previous applications. The ES and covers both the application site in this borough (site B) and that in the Royal Borough of Kensington and Chelsea (site A).
- 3.3 The ES highlights the key changes to Scheme 2 in both boroughs as follows:

- Increase in the amount of affordable housing to 380 units (but a decrease of 6 on site B. This represents nearly 47% of the total housing compared to 43% in the previous application).
- Improvement in mix and type of affordable units to meet the requirements of both boroughs (68% family housing and affordable key worker housing compared to 39.6% in the previous application).
- Reduction in number of private units from 498 units to 435 units, a 12.5% fall (221 to 181 on site B representing an 18% fall).
- Improvement of the public and private open space, including relocating the open space in LBHF to reflect UDP policy (provision of Creekside Gardens and Walk).
- Reduction in height of tower in RBKC to 25 storeys and an increase in the height of the tower in LBHF to 37 storeys.
- Reduction in the overall number of car parking spaces and additional provision of car parking for the affordable units (267 spaces including 92 for affordable housing compared to 296 spaces including 20 for affordable housing in the previous application).
- Re-engineering of Chelsea Creek to reflect comments from the Environment Agency.

3.4 The ES states that given the extensive consultation exercise that has already been undertaken for the previous schemes, this EIA concentrates largely on the main issues raised by the statutory bodies and organisations. The main issues are highlighted as:

- generation of traffic and the impact on the existing transport infrastructure,
- number of parking spaces,
- mix of land uses, in particular the provision of business, employment and community floorspace on site A,
- amount and quality of public open space and private amenity space and their integration within the site and adjoining areas,
- flood risk and encroachment on the creek and river,
- impact on certain views and conservation areas,
- amount and mix of affordable housing,
- sunlight and daylight conditions and shadowing,

- height, massing, orientation, bulk and design of the various buildings proposed including the two towers,
 - the resulting density of development and
 - ecological provision.
- 3.5 The ES states that a critical component of the Environmental Impact Assessment is the establishment of a baseline against which the environmental impact of the proposal can be assessed and compared. It indicates that the baseline for this site is complicated by the decommissioning of the power station (which will be undertaken by LUL) and the changes to the creek environment after decommissioning.
- 3.6 The ES states that the baseline should also take account of the extant consent for Site B (Chelsea Harbour Phase II). It states that the means of assessing the impact of the proposals, and mitigating any adverse effects are identified with reference to the local development plans for each borough and that these are related to the built and natural environment and the residential and socio-economic environment.
- 3.7 The ES identifies, describes and assesses the likely significant impacts of the development on the environment, including consideration of: beneficial and adverse impacts; short, medium and long-term impacts; direct and indirect impacts; and cumulative impact and impact interactions. The ES sets out to predict the likely impacts of the development from site preparation to final use and occupation and takes account of mitigation measures.
- 3.8 The ES comprises several separate documents and studies. The studies include a number of technical reports and these are summarised under the following headings.

Main Features of the Development

- 3.9 The ES states that the focus of the scheme is the creation of an urban village, opening up of the area to allow pedestrian access into, and through, the sites and improving riverside and creekside access to adjacent neighbourhoods. The scheme is described as follows:
- a mix of housing that reflects the nature of housing demand in this part of London, comprising a range of housing types with affordable housing, including flats for key workers and other low income groups. On site B, affordable housing would be provided in blocks HF3-A,B and C with a total of 214 units of accommodation. The conversion of the power station on site A would be completed at the end of 2008.

- the majority of non-residential accommodation totalling 8,867 sq m. would be located on Site A. This accommodation is seen as complementing the existing uses within the Lots Road and Chelsea Harbour communities, by providing for complementary facilities.
- new pedestrian connections would be provided through the Power Station and three new footbridges would link Sites A and B. Open space would be provided in five new traffic free areas located on both Sites A and B. The open space, including a children's playspace, would total 1.6 ha. and is estimated as representing 45% of the site area. It would include the Power Station Mall, Power Station Plaza, Creekside Park, Creekside Gardens and Riverside Square.
- in visual terms, the two towers are still considered to form a visual group with the Power Station and to facilitate the provision of a greater amount of open space within the development as a whole by the provision of high rise buildings. The proposals for the creek have been formulated in close consultation with the Environment Agency and other interested parties. The proposal includes the retention of a fully tidal creek, and the maintenance of an in-flow of tidal water to the creek to replace the existing power station cooling water discharge to minimise build up of sediment and to preserve and enhance its ecological and amenity value. Access is encouraged via a new pedestrian walkway along the length of the creek. New wildlife habitats would be created on a series of intertidal terraces.

Decommissioning of the Power Station

- 3.10 The ES states that the decommissioning of the power station is an essential prerequisite of the development of the site. However, it indicates that this does not form part of the development proposal as London Underground Limited is legally obliged to undertake this prior to vacating the site. This part of the process includes shutting off and removal of live services and equipment, draining and removal of chemicals and fuels from plant and pipe work. On taking possession of the site, the applicant will continue dismantling plant, including removal of asbestos and internal structures. Removal of asbestos is to be carried out in accordance with best practice. Equipment will be transported off-site either by road/rail or barges in Chelsea Creek or the River Thames.

Construction Programme and Activities

- 3.11 The ES states that the development of both sites A and B is intended to progress in parallel. Construction on site B is intended to commence in late 2003 and occupation is intended to take place from mid 2005. The works on site B would last for just over five years. Construction would

commence in conjunction with decommissioning and demolition activities.

3.12 Areas identified as areas of contamination would be 'remediated' as they are encountered. The ES makes the assessment that Chelsea Creek and the Thames would not be at significant risk from contamination. Therefore no specific remedial action within the creek and river is anticipated. Soil representing a more severe level of contamination may require specific transfer and disposal procedures and these would be followed under consent from the Environment Agency.

3.13 It is indicated that river transport would be utilised wherever economically possible. The number of construction vehicle movements would vary throughout the construction period. The peak construction period is anticipated as being between mid 2004 and the end of 2007. During this period, each working day would see between 2-4 medium goods vehicle and heavy goods vehicle trips per hour to the site. During the rest of the construction period, 2 vehicle trips per hour are expected. Construction vehicles would approach the site from Lots Road. Highway improvements to facilitate access would be implemented at the start of the construction period. Space restrictions would impose a limitation on parking spaces by construction operatives; the majority of these trips being taken by public transport, cycling or contractor provided transportation.

Environmental Management of the Construction Works

3.14 The ES states that it is intended to implement an Environmental Management Plan, which would require best practice procedures to be adopted by the appointed contractors and site management. Issues to be addressed would be: energy and water efficiency, waste minimisation, use of recycled products, dust and noise suppression, visual screening, construction traffic management, public security, safety and amenity. It is anticipated this would form part of the planning conditions or an obligation. Other key issues are noise, vibration and dust, neighbour liaison, public safety, construction and demolition waste, water discharge and site drainage.

Compliance with Planning Policies

3.15 This part of the ES summarises the planning and policy appraisal and assesses the appropriateness of the development with regard to Local Plan policies and national and regional planning guidance. The proposal is described as according with PPG1, by developing land within an urban area, on a previously developed site, whilst creating and maintaining a good living environment and providing for the wider housing opportunity. It is also described as providing a mixed use scheme that would create vitality and diversity and reduce the need for travel.

Sustainability

- 3.16 The principles of sustainability are stated in the ES as forming an integral part of the design evolution and choice of housing mix, supporting land-uses and transportation proposals. The sustainability of the project is considered under the following eight headings: Sustainable Design, Economy and Work, Community, Pollution, Natural Environment, Transport and Access, Local Identity and Heritage, and Resource Use, and Energy and Waste. In summary it is concluded that the development would regenerate this former industrial area into a compact, high quality, mixed use scheme with commercial space and a range of dwelling types.
- 3.17 The ES states that the proposal would involve remediation of ground contamination, removal of hazardous substances such as asbestos from the Power Station and thus would accord with key local strategies of RBKC and LBHF. The proposals are considered integrated and described as supporting the following objectives: energy efficiency, use of sustainable materials, reducing water consumption, reducing blight to the community and environment during construction, encouraging less car use, providing a high quality place and developing an active community.

Socio Economic Issues

- 3.18 This part of the ES addresses the socio-economic impacts of the current scheme and draws on information from the two borough's UDP's and commissioned studies carried out on behalf of the applicant. The studies are stated as having taken account of the characteristics of the local area and the perceived demand for workspace to assess the type of workspace to be provided within the scheme. The study area includes postcodes SW6 2, SW10 0, SW10 9, SW3 5, SW3 6 and represents a population of approximately 38,500 people. The baseline information is that the area is characterised by a relatively young population and a workforce that is predominantly managerial and professional.
- 3.19 The Study recognises that in LBHF, the mixed areas of employment, where they exist are identified in the UDP, as important providers of employment in the borough. Unemployment is recognised as above the Greater London average. Economic activity in the borough is described as having a high rate of growth in distribution, hotels/catering, banking, insurance and business services, transport and communication, and education, health and other services.
- 3.20 The report concludes that the benefits of the scheme for LBHF is that it would facilitate employment provision in line with UDP policy objectives by the development of modern office accommodation, for small businesses, on the other side of the creek. There would be more

choice of accommodation and the potential for the generation and retention of employment opportunities.

- 3.21 In respect of community facilities and amenities LBHF is considered to have an increased demand for indoor recreational facilities and amenities for all sectors of the community.

Built Heritage and Townscape and Visual Impacts

- 3.22 The ES states that the proposals are seen as respecting and conforming to the fundamental objectives of relevant strategic guidance and policy. The site has an extensive industrial history; the original building remaining, but having been added to indiscriminately. Images of views have been produced from 39 viewpoints. The impact of the scheme is described as being obvious, but the conclusion is that it would not be harmful. It is considered that the tower blocks would become identifiable skyline landmarks alongside the retained power station. In terms of focus they would sit between the existing high-rise World's End buildings to the north and the Montevetro to the east. The ES concludes that the scene would provide visual interest and positively enhance the townscape and riverside scene.

Archaeology

- 3.23 The ES states that the present and previous buildings on the site would have had a considerable impact and would have disturbed most remains. However, it accepts that the site lies in an area of some archaeological potential, particularly for prehistoric remains. Monitoring has indicated this to be the case for Site B. A mitigation strategy is proposed which would be developed with English Heritage, LBHF and RBKC.

Water Resources and the Creek

- 3.24 A desk review, physical investigations and modelling studies have been undertaken of groundwater and surface water resources to identify sensitivity to the proposals as part of the ES.
- 3.25 These indicate that the discharge of cooling water from the power station into the creek has eroded and removed sediments. At mid and high tides the discharges have inhibited the silt laden river water entering the creek and raised water temperatures by approximately 7-9° C. This has created an unnaturally warm environment, supporting an abundance of flora and fauna in excess of that expected under natural conditions, including some exotic species and prevented siltration.
- 3.26 The ES describes the environment as artificial and one which would not be maintained once the power station discharge stops. The creek is considered to collect a negligible volume of freshwater other than from

the river and the assessment is made that the progressive silt deposits would result in complete siltration of the creek in 20-30 years on a worst scenario basis.

- 3.27 On the other hand, the ES suggests that the development proposal would provide for a full tidal regime, which should minimise sediment accumulation and the loss of flood storage capacity that would occur if the site were not redeveloped. The creek forms a key aspect of the landscaping and the environment proposals are formulated to maximise amenity value, whilst improving the ecological value and minimising impacts upon flood storage and river hydrodynamics.

Ecology

- 3.28 The premise of this study in the ES is that the site is heavily modified by man. Buildings and hardstandings cover most of the area. The only significant vegetation is on wasteland adjacent to the creek and although this would be lost, an equivalent habitat would be provided on rooftops. The proposed roof top habitat is considered suitable for notable invertebrate and plant species and foraging for rare bird species.
- 3.29 The ES recognises that the River Thames and its tidal tributaries are a Site of Metropolitan Importance which supports diverse communities of fish, water birds, invertebrates and wetland plants. When the warm water discharge stops there will be a corresponding change in flora and fauna and silt deposits will lead to an eventual loss of aquatic habitat. As a result of the proposals a tidal regime would be created and the profile of the creek remodelled by the installation of terraces to create intertidal habitat. A management plan for the basin has long been proposed by both boroughs and would be funded by the applicant as a result of this development. This would provide long-term ecological, visual and amenity benefits for the area in line with borough policy.

Transport

- 3.30 Specialist transport consultants have carried out a transport assessment as part of the ES. The assessment concentrates heavily on a strategy of minimising traffic impact by incorporating ways of encouraging people away from car use through provision and enhancement of public transport walking and cycling. This is referred to as the sustainable integrated transport strategy (SITS) and is intended to follow on from the comments received from the previous planning applications
- 3.31 Additions to the transport proposal from the earlier schemes are: a smaller number of residential units some of which would be car free; a reduction in the number of car parking spaces but allocating proportionately more spaces to affordable housing and an increased

commitment to improving the river bus services with a subsidy ultimately of £50,000 per annum. (£115 per market unit per annum)

- 3.32 The anticipated car movements generated have been modelled and the results indicate that the development would have a negligible impact on the surrounding road network. The results do not take into account measures proposed in the transport strategy (SITS) with the conclusion that the measures proposed are expected to reduce car journeys by encouraging walking, cycling and use of public transport.

Air Quality

- 3.33 An air quality assessment has been undertaken using information from a variety of sources, including local authority data, and monitoring studies and atmospheric dispersion, using a computer model. It concludes that central London can experience significant levels of air pollution, the principal pollutants of concern being nitrogen dioxide (NO₂) and fine soot and dust particles (PM₁₀). Vehicle emissions represent a major contributor of both, but so can construction sites without appropriate management.
- 3.34 The ES states that the proposal is not dissimilar to numerous successfully completed large-scale developments. Best practice site management would be maintained at all times to ensure minimal dust and vehicle emissions. The modelled data show very minor increases in annual NO₂ concentrations in a small area close to the site. However, the report's conclusion is that the development would have negligible air quality impacts in the borough wide context of RBKC or LBHF.

Noise and Vibration

- 3.35 The ES concludes that changes in the noise and vibration levels might result during the construction phases but the future impact of the development is considered minimal. Traffic noise levels are expected to increase marginally. However, this increase is not expected to be particularly noticeable. Building plant installed in the new development would be designed to have lower noise emissions than background noise levels and sound insulation within the development would minimise noise penetration.

Microclimate

- 3.36 The impact of the development on the microclimatic conditions has been assessed in the ES in terms of the local pedestrian wind environment; existing levels of sunlight and daylight in neighbouring properties; and changes to shadowing patterns. A model of the development has been wind tunnel tested with the conclusions that the general conditions around the site are expected to be acceptable or, at worst, tolerable for their prescribed usages. Of the two locations where

the tested wind speeds were high, mitigation in the form of planting or the provision of canopies is being considered to reduce the wind speeds to an acceptable level.

- 3.37 A sunlight and daylight assessment has been undertaken. Of the 84 properties analysed, the results indicate that whilst some properties would lose greater than 20% of their VSC, no room would remain inadequately lit when adopting the ADF analysis. In conclusion, a reasonable level of daylight and sunlight would be present in all neighbouring properties and when compared with extant permission the position is often better.
- 3.38 In terms of overshadowing, there would be a shadow cast on some properties in the 'Lots Road triangle' (located in RBKC) in the winter months. There would be no significant over-shadowing in the summer months to properties in this borough.

Telecommunications

- 3.39 The ES concludes that the proposed development is not expected to affect reception in the area. In the event that it did, one of a number of simple measures could be implemented to address these, including re-aligning existing antennas.

Conclusions of Environmental Statement

- 3.40 The overall conclusions of the ES, in regard to both boroughs are that, with full adoption of the construction and operation mitigation measures, the proposed development would have a substantial benefit for the local community, economy and environment. The benefits are seen as: the generation of a new urban village incorporating mix uses to revitalise the area; increasing permeability across the site; provision of 815 dwellings, including 380 affordable units, thereby meeting local and national housing needs; provision of approximately 9,900 sq.m of commercial floorspace; integrated transport links and improvements in existing services; remediation and regeneration of a contaminated site; provision of 1.6 ha of public open space; ecological enhancement of Chelsea Creek including retention of its tidal range; and retention of a building of heritage value.
- 3.41 The Council employed the Institute of Environmental Management and Assessment, whose role is to review environmental statements and assess how well they identify and present the necessary environmental information in accordance with the requirements of the legislation. The Institute does not oppose or support developments or attempt to assess qualitatively the environmental information provided, but it, seeks to ensure that all relevant information is made available to decision makers. The Institute uses a grading system (A-F), which is based on the legislative requirements of EC Directive 85/337/EEC on environmental assessment and on current reasonable best practice standards for Environmental Statements produced in the UK as follows:

- (A) Excellent (no tasks left incomplete)
- (B) Good (only minor omissions and inadequacies)
- (C) Satisfactory (despite omissions and inadequacies)
- (D) Parts well attempted (but must as a whole be considered unsatisfactory due to omissions and/or inadequacies)
- (E) Poor, significant omissions or inadequacies.
- (F) Very Poor, most tasks left incomplete

3.42 The Institute has summarised its comments on how the Environmental Statement has been compiled and presented as follows:

3.43 Descriptions of the development - awarded B

The general description of the development was comprehensive and complete and it was clear from the outset as to the development's objectives. Despite the provision of a summary of quantities of materials generated by demolishing the existing structures there was no discussion of the anticipated quantities of materials to be used in the construction phase.

3.44 Site Description - awarded B

The area of development was clearly marked on maps and land uses both on and surrounding the site described and illustrated. There was a limited description of impacts associated with a "no development" option (e.g. water resources and air quality)

3.45 Scoping – awarded B

No evidence of the form or nature of the scoping exercise. The extended period of planning this development meant that extensive public consultation had taken place but there were few details of the concerns raised through this process. The full reasons behind the previous refusal should have been provided.

3.46 Consideration of Alternatives – awarded C

Little discussion of the potential impact that the alternative "do nothing" or implementation of the 1986 extant permission plus power station conversion would have had compared to the preferred development option.

3.47 Baseline Conditions – awarded B

Within each section of the ES detailing a specific issue of potential impact there was appropriate discussion of the baseline conditions. References were made to the supporting appendices that contained more detailed information on the methodologies adopted and the measured results. The ES would have benefited from a clear assessment of how the baseline conditions would be affected if the development did not proceed.

3.48 Prediction of Impact Magnitude – awarded C

The methodology for determining the magnitude of impacts was briefly discussed. This methodology was not used consistently in the ES and greater consideration could have been given to the cumulative negative residual impacts and the impacts of the use of natural resources.

3.49 Impact Significance – awarded C

There were inconsistencies in the discussion of the significance of potential and residual impacts e.g. air quality and ecology were assessed whereas water and contamination were not.

3.50 Mitigation - awarded C

The ES describes some of the measures proposed to avoid, reduce and remedy significant adverse impacts but no assessment of their effectiveness. The ES indicated a commitment to implementation of mitigation but little discussion of how and when.

3.51 Follow-Up - awarded B

Details of follow-up programme including an Environmental Management Plan and discussion of the monitoring programme during construction phase including water discharge and site drainage. Details were provided of Transport Manager to monitor, co-ordinate and market Green Travel Plan but no indication of duration of monitoring. No discussion of life span of development or of its decommissioning at end.

3.52 Sustainability

The ES provides some detail on the principals of sustainability and how this proposal fulfils those objectives

3.53 Socio-Economic Impacts

The methodology was briefly referred to and the baseline data was effective in establishing the current state of the local environment. The outcomes was supported and expanded upon in the supporting material but no mitigation measures were described or detailed, in part on the perception of the inherently positive impact of the development on the local socio-economic environment.

3.54 Built Heritage, Townscape and Visual Impacts

The assessment was comprehensive on the history of the site and the surrounding area. However it is unclear under what criteria the viewpoints used in the visual impact assessment were chosen.

3.55 Archaeology

The findings were presented in a suitable format that was clear and easy to interpret. No specific mitigation measures were proposed although there was mention of the development of an appropriate strategy in conjunction with GLAAS (EH), LBHF and RBKC.

3.56 Water Resources

The ES was limited by the absence of baseline data on water quality and this means that it is impossible to determine whether the proposed development would have any impact on water quality.

3.57 Ecology

An assessment of the potential impacts associated with the construction phase was considered but there was no discussion of the longer term impact, e.g. greater discussion could have taken place regarding the impact upon foraging birds once the site is fully in operation.

3.58 Contamination Issues

The ES gave a relatively detailed assessment of the potential impacts and risks associated with the contaminants present. There were also details of remediation measures that would be implemented.

3.59 Transport

The ES presented a relatively comprehensive baseline assessment of the current conditions on and surrounding the development site by all means of transport. The ES highlights the initiatives and mitigation measures to be implemented. However a clearer commitment to whether the bus routes are being extended and a nursery school and convenience store provided would have been welcomed.

3.60 Air Quality

The baseline conditions were presented and supported in the appendix and appropriate sensitive receptors were identified. The modelling undertaken and significance of the impacts were quantitatively identified.

3.61 Noise and Vibration

The baseline study included a quantitative assessment of the background noise levels. There was only a qualitative assessment of existing vibration levels.

3.62 Microclimate

The methodology employed was briefly described and included definition of the criteria used. It would have been beneficial if further details of the magnitude of each specific impact had been contained in the main ES.

3.63 Presentation of Results – awarded A

The ES was presented in a clear and consistent format and mostly written in plain English. Technical issues were defined in some detail supported by appendices and references. The A3 size was an appropriate size for presenting the information. The use of wire frame images appears to portray less of a visual impact than the photo-montages and are also presented under different light conditions, resulting in inconsistency in presentation.

3.64 Objectivity – awarded B

The ES was presented as a relatively balanced document with a neutral to slightly positive assessment of the impacts of the proposed development. This could be partially due to the poor baseline environment of a derelict site with contamination/amenity issues whereby any development would represent a positive environmental benefit. The ES lacked documentation of responses from consultees other than the Environment Agency.

3.65 Non-Technical Summary – awarded B

This provided a clear summary of the project's aims and objectives, supported by appropriate use of figures and tables and written in plain English. It summarized the issues pertinent to the specific environmental impacts but there was no statement of the magnitude of their significance or discussion of their proposed mitigation to minimize the environmental impact.

3.66 In summary, in its assessment of the Environment Statement, the IEMA has awarded grades which are satisfactory or better. Officers have taken note of this assessment and consider that the Environmental Statement is in a form which assists in the thorough consideration of the planning application, in accordance with the Environmental Impact Regulations.

4.0 **PUBLICITY AND CONSULTATION (as of 03 April 2003)**

4.1 In accordance with statutory requirements, the application in this borough has been publicised as a departure from the statutory development plan and the subject of an environmental statement in the local press and by site notices. It is considered to be a departure from the statutory development plan because it does not accord with policies HO7 (density) and EN9 (high buildings) of the adopted UDP. Individual letters of notification have also been sent to surrounding residential properties. In addition statutory bodies, residents' groups and amenity groups have been consulted. Furthermore, the adjoining borough, the developers and resident groups/associations have each carried out their own consultation exercises.

4.2 In response a total of 83 letters of objection have been received to date. 35 Letters have been received from residents of Chelsea Harbour; 4 from other residents of Hammersmith and Fulham; 23 letters either sent directly or copied to this borough in response to this application and proposal made to the Royal Borough of Kensington and Chelsea and 2 letters from residents in Wandsworth. The following is a summary of all the letters received to date from bodies, resident groups and residents: -

4.3 **Greater London Authority (GLA)**

The Mayor generally supports the scheme. Given proposed public transport improvements, which would improve the site's accessibility,

would permit a high-density development that meets the guidelines set out in the draft London plan. The density levels allows for delivery of a significant level of affordable and private housing on the site. Mix of affordable and particularly family size units is welcomed. Consider that the design of the scheme including the two towers is of a high quality with the towers contributing positively to the London skyline, the setting of the Thames and the Lots Road Power Station. Would not harm the setting of adjacent conservation areas or views from Brompton Cemetery. Accessibility into and through the site and along the Creek is also seen as a significant urban design gain.

4.4 English Heritage

The changing heights of the two towers although altering their relationship to each other and in relation to views from Brompton Cemetery, are not considered to materially affect heritage interests. We therefore remain in support of this proposal. This assessment is based largely on the criteria proposed in the English Heritage (CABE) "Guidance on Tall Buildings" and we have concluded that the two towers would have little or no adverse impact on linked buildings, conservation areas or other heritage designations.

4.5 English Heritage (Archaeology)

Reiterate previous advice that the archaeological position be reserved by attaching a condition and informative to any consent granted under this application, regarding the carrying out of investigative work by suitably qualified body.

4.6 Commission for Architecture & the Built Environment (CABE)

Continue to offer their support to the principles of the scheme and welcome the latest changes. Welcome the sequence of open spaces each with distinctive character, relative heights and location of towers and design of new D shaped block. They would however have like more thought to be given to the question of how children of all ages, particularly teenagers, will spend their time and what provision can be made for them.

4.7 City of Westminster

Raise objections for the following reason: -

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

4.8 Lambeth Council
No objections

4.9 Wandsworth Council
No objections

4.10 Environment Agency

They remain concerned at the proximity of building HF3A, which adversely affects the ecological value, character of the watercourse and access to the Creek but in the event of planning permission being granted have requested a condition to require how access to the river wall would be provided. They also include a number of other recommended conditions to protect environmental interests which have been included in the officers report should planning permission be granted.

4.11 English Nature

Proposals do not affect any statutory sites. Welcome mitigation measures outlined in Environment Statement. Consider the proposed mitigation in respect to ecological and nature conservation issues are therefore appropriate. Recommend that Environment Agency's views be sought. Welcome proposals to install green roofs but suggest that treatments of these roofs would not suit the needs of species identified. Recommend that an ecologist be part of the development team and appropriate conditions requiring preparation and implementation of a full ecological mitigation and enhancement plan be attached to address all the matters describe in the relevant section of the Environment Statement.

4.12 CPRE

Despite improving changes they still have four principal objections.

- Site over development. But more affordable housing will help create a mixed community in the Chelsea Harbour and go some way towards a Compact Sustainable Community. Still disappointing that there is no distinct communal facilities provided to help integration/enhancement of community.
- Parking provision will encourage car use and overload roads. Reduction in parking is helpful but proposed transport improvements implementation timescale is protracted. Look to Council using Section 106 planning powers.
- Object to tower block HF1 and its positioning. Strong reservations about tower blocks close to the river. Not in line with Mayor's Draft Plan regarding Blue Ribbon policy for the Thames. Arbitrary change in amendments to position/height of towers.
- Not convinced that proposals meet prescribed environmental standards particularly the protection of the heronry by Cremorne Wharf and present water conditions of Chelsea Creek.

- 4.13 London Transport Users Committee
Believe that the parking provision is too high and as such object to this development. The site has good public transport links and could provide good cycle and walking routes. Wish to be assured that the redevelopment contributes positively to traffic reduction both locally and generally. Want to see limited parking on this site. Believe that the residential part of the development could have a large proportion of properties developed on the car free principle.
- 4.14 Port of London Authority
No objection in principle to the development. However it is concerned that the development should not prejudice the future water transport into and out of Cremorne Wharf (currently used as a waste recycling facility). The introduction of residential uses in close proximity to working wharves inevitably results in noise complaints from local residents. Any redevelopment of Lots Road should therefore take account of the potential for noise and other nuisance from the adjoining site, having particular regard to the siting and height of residential elements and avoid siting balconies overlooking wharves. Appropriate planning sound insulation conditions are strongly urged. Any works that extend in on or over the Mean High Water mark of the Thames will require licensing. Suggest condition for provision of life saving equipment along Thames Path. The PLA also recommends a condition regarding transportation of construction material into and out of the site by river.
- 4.15 Ministry of Defence – Defence Estates
No safeguarding objections to the proposals.
- 4.16 Civil Aviation Authority
Site lies outside the safeguarded areas for both London City and Heathrow airport and therefore do not have any comments to make specifically on the proposals.
- 4.17 National Air Traffic Services Ltd.
Have no safeguarding objections. Proposed development examined from a technical safeguarding aspect and does not conflict with their safeguarding criteria.
- 4.18 Metro London Heliport (occupy site on opposite side of river)
Height of 37-storey tower building could infringe on operations of helicopters approaching and departing heliport and will have serious safety implications.
- 4.19 Chelsea Harbour Residents Association
They write on behalf of themselves and other local action groups and summarise the objections raised by their consultants, Colin Buchanan and Partners. They object to:
1. Over-development of the site causing adverse environmental, traffic and amenity impacts on surrounding residential areas

2. Scale, massing and height of the proposed tower blocks is inappropriate to the locality
3. Inadequate public transport proposals
4. Adverse impact on the local road network
5. Inadequate public amenities

4.20 GL Hearn Planning (act for Chelsea Harbour Limited)

Maintain their objections to the latest scheme and apply now in greater force.

- There has been an effective increase in the overall density levels and no material change in density close to Chelsea Harbour.
- There has been an increase in the scale of development with no significant changes closest to Chelsea Harbour in terms of height, scale and massing.
- Serious transport shortcomings in these latest proposals. Fails to provide anything near the level of integration and accessibility required for development of this scale and density.
- Fails to provide adequate and appropriate levels of car parking particularly for the affordable housing units.
- Number and dispersal of affordable housing units is excessive leading in part to the unacceptable scale and density of the proposal and inadequate parking provision.
- Existing TPO trees make a significant contribution to their local surroundings. Loss of the trees would significantly impact upon the amenity of existing local residents who would not be compensated by the replacement amenity area included in the latest proposals.
- Inadequate traffic capacity of surrounding highways given increase in density levels/congestion associated with scheme.
- Traffic and reduction in parking levels would have a significant impact of the amenities of existing residents. Insufficient measures have been taken to reduce loss of general amenity to local residents.
- The proposals would result in demonstrable harms to the amenities of residential occupiers by reason of loss of daylight and sunlight.
- Request that the Council(s) undertake a housing capacity study before permitting proposals on the scale sought.
- Height of Block HF3A would be out of character with scale, density and design with Chelsea Harbour building.
- Parking provision for affordable housing is inadequate. Would lead to congestion and parking problems on the roads within Chelsea Harbour.
- A single management controlled programme required to avoid parking problems and congestion on Chelsea Harbour must be included within any Section 106 agreement.

4.21 The Bellamy Roberts Partnership (on behalf of Chelsea Harbour Limited). Transport Assessment.

- Have reviewed the Transport Assessment for the development. Raise concerns about the appropriateness of a high-density

development with a significant element of no car parking provision having regard to the site's existing lack of transport accessibility.

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

4.22 Colin Buchanan and Partners (act for Chelsea Harbour Residents Association)

Chelsea Harbour Residents Association has objected to the previous two applications. In essence the latest proposals has not addressed many of the objections and grounds of refusal to the previous applications. Continue to object to the proposals for the following reasons: -

- Quantum of development has increased in comparison with original application. Has only decreased by a very small amount as compared to the second application. Still represents massive over development of the site resulting in adverse environmental, traffic and amenity impacts on the surrounding residential areas.
- Adverse visual impact on local residents resulting in loss of views, overshadowing, loss of basic light requirements. Particularly severe on Chelsea Harbour.
- Inappropriate scale, massing and height of development to the locality, particularly exacerbated through the retention of the 10-storey development adjacent Chelsea harbour and introduction of a 37-storey tower block.
- Inadequate and flawed transport assessment that is misleading.
- Would result in significant adverse transport impact.
- Visual impact on London's skyline. Notable adverse impact on views from south bank of Thames and Wandsworth Bridge.
- Loss of trees protected by TPO's
- Residents concerned about decontamination of the site will be undertaken.

4.23 Peterborough Road and Area Residents' Association

Object to this application. Not convinced that the small reduction in number of units and car parking spaces plus increase in height of tower are acceptable. Would prefer to see more radical changes to the scheme.

4.24 Lots Road Action Group

Objection sent to RBKC and copied to this borough. Oppose latest proposals on grounds that: -

- The proposals represent an over development of the site, resulting in adverse environmental traffic and amenity impacts on the surrounding areas.
- Object to the high density of the scheme. Would not comply with local planning policies. Four times greater than the highest density identified in PPG3. Three times greater than GLA 'Draft London Plan' recommendations. Existing transport infrastructure and community facilities are not adequate to accommodate this high density of development. Should be reduced to a level of 300-450 hrha.
- The scale, massing and height of the proposed tower blocks are inappropriate for this locality. See no justification for the height of the development exceeding the height of the general bulk of the existing power station. The tower blocks would result in a significant loss of sunlight/daylight overlooking and overshadowing. Would significantly exceed the height of neighbouring buildings. Buildings should be subordinate to the Power Station. Would affect the character of the Chelsea Creek Conservation Area. Surrounding high building developments are unique and should not act as a precedent.
- Existing transport infrastructure will not be able to cope with the increase in population and commercial activity. Existing transport infrastructure is inadequate. Current mitigation proposals do not offer credible solutions. Development should not be permitted unless a major transport interchange close to Lots Road and Chelsea Harbour is developed, raising the PTAL index to 6. Until such measures are implemented, density of development should be scaled back to the capacity of the transport infrastructure available.
- In terms of traffic and parking, express concerns at the measures to reduce car ownership by reducing the number of parking spaces. Unless there is an undertaking that parking permits will not be issued, will lead to overspill into surrounding streets and put pressure on the demand for residents parking bays.
- There is an existing deficit in local amenities. This development will put further pressure on them. Deficit in open space requirements set out in The National Playing Fields Association standards and Regional Planning Guidance.
- Emphasise that they welcome a major residential/mixed use development. However, consider that the density and/or transport proposals require fundamental reconsideration; local amenities should be upgraded to redress current shortfall in provision; height of towers should be reduced substantially; local community should be consulted on Section 106 negotiations; an independent transportation analysis should be carried out immediately; technical assessments carried out by the Council should be available to the Group.

4.25 Hammersmith and Fulham Historic Buildings Group

Object to the latest proposals. Whilst some improvements still object due to the following points: -

- Any assessment of the proposals should look at the wider area including Imperial Wharf and the existing Chelsea Harbour development.
- Development fails to respect this important historic riverside site.
- Over development still the basic problem. Too large in scale, height, massing. Too near existing developments, the river and the Creek.
- Two towers do not comply with UDP policies in terms of height nor with EH/CABE consultation documents on tall buildings. Present scheme attempts to outlandmark existing landmarks. And will dominate the Power Station.
- Views are damaged by excessive height and mass of towers.
- Refurbishment of power station is welcomed but consider internally illuminated lanterns placed on top of two remaining chimneys inappropriate and fussy. Reducing height of towers will reinforce the iconic nature of the building.
- Support retention of Chelsea Creek as fully tidal but opposed to the solutions currently proposed. There should be no invasion of Creek. Understand that possible to sink boreholes to produce greater flow of water other than narrowing the bed of the Creek.
- Inter-tidal terraces should be set back into the site and not encroach into the Creek, which exists as public open space.
- Concerned that narrowing the Creek and raising bed levels as well as ecological park in the Creek basin would jeopardize future opening up of the Creek for boats both through Imperial Wharf Dock up to Kings Road.
- Plans and models are misleading. Do not show Creek continues through under sluice at the railway embankment into remaining part of Imperial Wharf Dock.
- Object strongly to felling of one side of avenue of Chestnuts in Chelsea Harbour. Trees should be retained. Footprint of adjacent buildings moved back sufficiently to leave Avenue intact and allow natural growth of trees.
- Should seek additional tree planting with the Riverside.
- Definition of open space needs clarification. Creekside open space appears to include the tidal terraces. Riverside Square is very hard landscaped and over a car park. Microclimate causes concern. No provision for soft landscaped public open space.
- Riverside Walk not sufficiently detailed.
- Pedestrian and cycle links have not yet received detailed attention.
- Consideration should be given to sensitive maintenance of Victorian embankment wall.
- No satisfactory provision for new river access or river related facilities.
- Would wish to be consulted on the scope of any Section 106 agreement.

- Should permission be granted then conditions should be attached relating to incorporation of historic detail into new scheme, display of information boards, archaeological investigation, ecological analysis and maintenance of navigation within Creek to Imperial Wharf Dock.

4.26 The Chelsea Society

Still have serious objections to the latest scheme. Object to overdevelopment given lack of high capacity public transport and high-density scheme. Suggest eliminating the two towers and redesigning the scheme in the form of streets and blocks not exceeding 8-10 storey height. Excessive height of tower in H&F would result in overshadowing and overlooking of neighbouring properties and conservation area. Would result in disfigurement of Thames Views. Conflict of use on Thames Path route between cyclist and pedestrians.

4.27 The Battersea Society

Append the views of the Oakley Street Residents Association. Object to current proposals in terms of excessive height of towers and adverse effect on river views, scheme would overpower surrounding houses and other premises, in design terms little regard given to Lots Road Power Station and Chelsea Harbour and due to lack of local transport congestion problems will get worse.

4.28 The Westminster Society

Welcome reduction in height of KC tower but regard the increase in height of HF tower unacceptable. The society therefore maintains its objection to the scale of the development.

4.29 Friends of Brompton Cemetery

The 37-storey block will be clearly visible from a number of points in the cemetery and will be disturbingly close to the power station chimney. Not acceptable in relation to the cemetery as a conservation area or English Heritage as a historic park or garden. If approved hope that a condition will be added requiring power station chimneys to be capped in accordance with details.

4.30 The Royal Parks

The proposal would be harmful to setting of cemetery. The 37-storey tower would have a detrimental impact on views looking south from the centre of Brompton Cemetery, a grade 11* listed landscape. From the central avenue, the eye would be pulled away from the Chapel and drawn towards the tower because of its dominance on the sky line.

4.31 Local Residents in Chelsea Harbour and adjoining areas

- Majority of objections and grounds of refusal to previous applications still stand. New application ignores resident's previous objections.
- Development does not accord with UDP objectives set out and would represent a significant departure from the Unitary Development Plan.
- Developers should adhere to the lower density 1986 permission.

- Impact of this development should be assessed in its entirety, in conjunction with developments at Imperial Wharf and land in Kensington and Chelsea.
- Still unsatisfactory. Higher density, over-cramming and over-development of site. Although number of units reduced, still excessive in numbers and replaced by increase in number of habitable rooms.
- Scale, massing and height of blocks still inappropriate and out of character with locality.
- Excessive height of two tower buildings. Harmful to the skyline. Would be out of character and dominate nearby housing – 37-storey instead of 25-storey block now proposed in this borough would be totally inappropriate. Swapping the tower blocks has not solved the problem.
- Adverse impact of tower blocks on character and appearance of Conservation Area and Thames River side.
- Height of tower block would be a danger to helicopters and a terrorist target.
- Height of development would result in significant loss of daylight/sunlight and loss of outlook for neighbouring properties.
- Other blocks too close and high to existing town houses in Admiral Square.
- Design of development would not complement surrounding area.
- Overlooking and loss of privacy due to proximity of proposed blocks to existing Chelsea Harbour housing
- Inadequate and disappointing open space provision.
- Scale of development cannot be catered for at this location in transport terms. Increase in traffic demand would overwhelm the area.
- Existing parking and congestion problems, particularly during football matches, activities associated with nearby auction houses and Imperial Road development.
- Existing traffic congestion at the junction of Lots Road and surrounding streets.
- Existing inadequate lack of public transport accessibility and infrastructure exists in the area. The area already affected by development of Imperial Wharf.
- Reduction in parking provision particularly for affordable housing now seems totally inadequate. Would result in parking over spilling onto surrounding streets.
- Still inadequate public transport solutions proposed. Unconvinced by transport and traffic measures proposed.
- Increase in bus service will not solve the problem. Buses already experience problems negotiating this route. Emergency Services would also experience problems.
- At present no intention of providing underground station.
- Provision of affordable housing appears high.
- Lack of public infrastructure and facilities to support number of new dwellings proposed. For example medical, educational, community centres and children play areas.

- Object to loss of some of existing TPO trees and existing walkway situated to the rear of Admiral Square/Court. Access and maintenance of existing properties would also be affected.
- Noise and disturbance associated with commercial uses in terms of servicing and deliveries.
- Concerns expressed about air quality and potential flooding (alteration of the Creek).
- Disruption to existing residents during the construction stages.
- Loss of TV/mobile reception.

5.0 PLANNING CONSIDERATIONS

5.1 The main issues relate to:

- i whether the proposed development and land uses proposed would comply with the site policies and the other policies of the adopted UDP, the UDP as approved for adoption by the Council on 29 January 2003 and regional and national planning guidance. Of particular importance, in land use terms, is whether the proposed development would provide an adequate amount and an adequate quality of affordable housing to meet identified need for such housing. In addition, the quantity and quality of the open space proposed is significant as is the analysis of whether or not the proposed river walk is satisfactory;
- ii whether the intensity of the proposed development would have a harmful effect on the surrounding area and compromise the integrity of the development proposed;
- iii whether the impact of the proposed development would harm the character and appearance of the Sands End Riverside Conservation Area and the Thames Policy Area of special character;
- iv whether the impact of the increase in travel and traffic generated by the proposed development upon the existing transportation system and highway network would be acceptable;
- v whether the impact of the scale of the proposed development would adversely affect the amenities of surrounding residential occupiers to an unacceptable degree and whether the residential amenity within the development would be of adequate quality;
- vi whether the proposed development would have any adverse environmental effects which could not be satisfactorily mitigated.

5.2 The starting point in considering any planning application is whether the development accords with the statutory development plan. Section 54A of the Town and Country Planning Act 1990 requires that, where

the development plan is material to the development proposal, the application must be determined in accordance with that plan unless material considerations indicate otherwise. Material considerations include national and regional planning guidance.

5.3 The 1994 Unitary Development Plan (UDP) is the adopted development plan for the borough. On 29 January 2003 the Council resolved to adopt alterations to the Unitary Development Plan. It published its notice of intention to adopt on 14 February 2003. A further minor clarifying amendment to policy H05 is being made (to meet the Secretary of State's requirement that local policy should refer explicitly to the thresholds for affordable housing negotiation on small sites as contained in Circular 6/98) but this issue is not relevant to the present application.

5.4 Consequently, the 1994 version of the UDP remains material to the consideration of the present application in accordance with S54A of the Town and Country Planning Act 1990. Despite the short delay in adopting the UDP changes the alterations which the Council resolved to adopt should be given substantial weight appropriate to their having been through virtually the whole of the adoption process.

6.0 SITE POLICY AND LAND USE

Site Policy

6.1 The application site is not specifically identified by a site policy in the adopted UDP but is identified as Site 22A in the UDP Alterations. Site 22A is allocated for residential, open space and riverside walk. The justification for the policy notes, amongst other things, that:

- on such a site the Council would normally expect to see the maximum amount of affordable housing
- the oil storage tank site is identified as the most appropriate location for public open space
- the provision of the riverside walk will be required

6.2 Chelsea Creek is identified by a site policy (Site 22) in both the adopted UDP and the UDP Alterations. It is designated as a Nature Conservation Area. Enhancement of the creek is encouraged, particularly as part of any development of adjoining land. This requirement is an important consideration in approaching the present application.

6.3 The proposed use of the site for residential purposes is broadly in line with the site policy in that it proposes residential use together with open space and a proposal for a river walk. There are, however, other important policies to bear in mind in consideration of this application.

Residential Development

- 6.4 The UDP indicates that the overwhelming need for additional housing in this borough is for affordable housing. The wording of policy HO5(i) in the adopted UDP states :-

"in considering applications for wholly residential development on residential sites and on sites allocated for residential use the Council will regard the provision of affordable housing as a material consideration and negotiate to secure the maximum reasonable proportion of permanently available affordable housing". Although the UDP was adopted in 1994, the strong need for affordable housing in the borough continues and the wording

"the overwhelming need for additional housing in this borough is for affordable housing"

remains in the UDP Alterations and illustrates the importance of its provision.

- 6.5 The wording of policy H05 in the UDP Alterations approved by Council earlier this year (before additional minor non-material changes referred to in 5.3) states:

"HO5 Affordable Housing

1. There will be a general presumption that the maximum reasonable proportion of affordable housing will be provided as part of any proposal that is wholly for residential development, or is for mixed use development that includes residential provision.

In all such cases, the proportion of affordable housing on any particular site will be determined having regard to the overall level and type of local need for affordable housing in the borough at the time of the application and:

- The overall monitoring target of 65% of all new housing to be affordable, and
- The need to achieve a successful residential development"

- 6.6 The overall monitoring target of 65% has been included in response to the Inspector's report on the UDP Alterations. The Inspector supported the thrust of the policies in the version of the UDP Alterations before him.

- 6.7 The Inspector's approach was to include in the policy a general presumption that affordable housing be provided as part of any proposal for residential development on a site such as the application site. He suggested that the proportion should depend on a number of criteria and that a target figure for the overall amount of affordable

housing that the UDP was expected to deliver be included in the commentary to HO5.

6.8 He indicated that a realistic overall target would be 65% based on past performance. In putting forward this figure, he made clear that "this may seem a relatively low overall target, especially when viewed in the context of the Council's Housing Needs Survey Update 2001".

6.9 Government guidance also recognises the importance of the provision of affordable housing. Circular 6/98 (Planning and Affordable Housing) advises that a community's need for affordable housing is a material planning consideration and gives advice on when provision of affordable housing should be sought. PPG3: Housing (2000) outlines the Government's housing policy. It seeks the provision of policies in local plans to provide affordable housing in suitable housing developments and encourages, inter alia, more efficient use of land for housing in urban areas.

6.10 The UDP Alterations define affordable housing in the following terms in Policy HO5 (3b):-

"Housing will be regarded as "affordable" only if its cost to the occupier, however it is provided, is equivalent to the cost of registered social landlord accommodation of similar size and quality in the borough. It must also be available both to initial and subsequent occupiers in need of affordable housing."

6.11 The draft London Plan was published by the Greater London Authority (GLA) in June 2002. Policy 3A.7 states that: "In reviewing UDPs boroughs should seek the maximum reasonable amount of affordable housing. They should demonstrate that they have set an overall target for the highest reasonable number of affordable homes to be provided taking account of regional and local assessments of need, the promotion of mixed and balanced communities, and potential sources of supply."

6.12 Policy 3A.8 of the draft London Plan states: "In reviewing UDP's boroughs should adopt the indicative affordable housing targets set out in Table 3A.3 for negotiating affordable housing in individual schemes"

6.13 Table 3A.3 suggests 50% as the Affordable Housing Target for Hammersmith and Fulham. However, the Council regards this as the minimum and that an overall monitoring target of 65% is the aim. The draft London Plan also suggests that within the 50% target the Mayor seeks to achieve 35% social rented housing and 15% intermediate housing.

6.14 The draft London Plan is a material consideration in relation to this application. However, its status is that of the first consultation draft and the figures were scrutinised at the Examination in Public commencing

in March 2003. Officers consider that substantially more research and data underpin the overall monitoring target within the altered UDP. In fact they are not aware of the existence of any data relating to this borough on which the figure of 50% is proposed and, if data does exist, what they reveal. This topic has been discussed at the EIP but the Panel has yet to make any recommendations. These are expected when the report is published in July.

- 6.15 The applicant has indicated that within the scheme a high proportion of the housing units (calculated by officers as 54.2%) would be affordable. It proposes that 214 of the 395 units would be affordable.
- 6.16 The content of the affordable housing in the present proposals is a significant change from earlier schemes considered by the Council. The applicant has indicated its willingness to enter into appropriate planning obligations to seek to ensure that the affordable housing would be provided and would be of a kind which best meets the established needs of the borough. It represents a considerable increase both in actual dwellings and percentage of the overall content, from 150 (32.3%) in Scheme 1, 142 (32%) in Scheme 2 to 214 (54.2%) in the current proposal (Scheme 3). Additionally there has been a significant increase in the number of family units.
- 6.17 The 1998 Housing Needs Survey identified a need for an additional 7,400 to 11,000 affordable dwellings in the borough by 2006 if local housing need is to be met. This estimate considered existing households currently in suitable housing and unable to afford suitable housing in the open market, those households which need to move to their own separate accommodation and cannot afford suitable housing in the open market and homeless households on the Council's register.
- 6.18 An update to the 1998 survey was carried out by Fordham Research Limited in December 1999 and concluded that although property prices and rents had risen by as much as 55% and 40% respectively, the number of households in housing need had remained unchanged. The survey update explains that

"in 1998 there were very few households living in unsuitable housing who were close to, or just above the affordability threshold [and] nearly all the households in unsuitable housing fell well short of being able to afford market housing".
- 6.19 Hammersmith and Fulham is still one of the most expensive boroughs in London in terms of house prices and rents and therefore the majority of households in the borough do not have adequate incomes to afford market housing. Therefore, although the update to the Housing Needs Survey in 1999 concluded that the level of housing need in the borough had remained unchanged since 1998, it also stated that "other households may find it harder to access the private sector housing

market" given the significant increases in house prices and rents in the borough.

- 6.20 The 214 affordable housing units proposed would be divided into 184 RSL rented units and 30 key worker units. Key workers are those employed permanently in the Public Sector, Regulated Private Sector and Voluntary Sector. In the view of officers, the overall mix of housing would be appropriate and this element of land use would meet local, regional and central government policy and local and regional needs.
- 6.21 Whilst the 214 units would be less than the 65% monitoring target, this is an overall target and it is recognised that the figure will be exceeded on some sites and not reached on others. On non-residentially designated sites, where the "exceptions" policy applies, 100% affordable housing is required by policy HO5. Site policy 22A, as amended in response to the Inspector's report, refers to the fact that the 1986 scheme did include some funding for off-site affordable housing. This chapter of the planning history of the site as part of the larger redevelopment scheme is considered to be of some limited relevance in establishing a reasonably acceptable proportion of affordable housing.
- 6.22 It is against this background that officers have considered the acceptability of the proposed mix and of the quantity and quality of affordable housing.
- 6.23 When considering the earlier applications to develop the site, officers considered that the quantity and quality of affordable housing was unacceptable. A substantial number of the units proposed by the applicant as affordable in Scheme 2 fell outside the UDP definition of affordable housing. It was considered that, even had all those units, described as affordable by the applicant, been affordable in UDP terms, the number would still not have been adequate. There has been an improvement since Scheme 2 and the current application represents an enhancement both in terms of the quality and quantity of affordable housing proposed.
- 6.24 The overall number of affordable units as described by the applicant has dropped from 222 to 214. However, as a percentage of the overall number of units, even on the applicant's description, the affordable content has increased from approximately 50% to approximately 54%. In terms of affordable units that would fall within the UDP definition, the number has risen from 142 units in Scheme 2 to the present proposal for 214 units. This represents an increase in percentage terms from approximately 32% to approximately 54%.
- 6.25 The number of bedrooms that would be provided in the affordable housing units has risen from the number proposed in Scheme 2. In the current proposals, there would be 443 bedrooms within the affordable housing units. This is a significant increase. Within Scheme 2 the

number of bedrooms proposed within the 222 units described by the applicant as affordable, was 362.

- 6.26 This increase arises primarily from the higher proportion of family housing that the applicant has included within the current scheme. The number of affordable family units within the current application is 144. This compares to 56 family units in Scheme 2.
- 6.27 In contrast to the increase in the number of bedrooms in the affordable housing there has been a decrease in those within the market housing element, from 505 in Scheme 2 to 414 in the present proposals.
- 6.28 In addition to the increase in the number of affordable family units there has been a further enhancement in quality of those units in Block HF3-B which, in the present scheme, would have double aspect elevations that would enable access to sunlight to at least one room in each dwelling.
- 6.29 Officers consider that the scheme now represents an appropriate mix of housing at levels that accord with policy HO5 of the UDP and the proposed UDP alterations. The introduction of the extra family housing is considered to be very important. It would contribute to the provision of housing for those who are recognised to be in the most acute need of housing in the borough.

Public Open Space

- 6.30 The provision of open space in any re-development is an important policy objective and is a specific requirement of the policy for Site 22A. The policy states:

"The oil storage tank is considered the most appropriate location for public open space and provides the opportunity for enhancement of the neighbouring Chelsea Creek nature conservation area [see also policy for site 22]. The amount of new open space to be provided will be considered against policies EN23 and EN23B."
- 6.31 The residential nature of the development, its location next to the Thames and Chelsea Creek, and the provision of a riverside walk provide the context for the requirement to provide open space. The application site is within an area of open space deficiency as identified in the Policy EN22 of the adopted UDP. In such areas Policy EN23 of the adopted UDP requires the planning authority to seek to increase the area of open space that is accessible to the public.
- 6.32 Policy EN23 of the adopted UDP states: "New open spaces should provide a range of activities appropriate to their location and size". The UDP Alterations add that new open space "will be required to have safe and easy access for all users, including disabled people and to include

facilities and equipment sufficient to enable the use of the open land for the purposes intended".

Details of ramped access to the riverside public open space from the riverside walk would need to be the subject of a planning condition.

- 6.33 The planning application includes three main areas of public open space – Creekside Park, Creekside Gardens and Riverside Square, together with routes which connect to the adjoining developments to the, riverside and to the creekside, and give access to individual buildings within the site. In more detail the three areas identified in the application as public open space are:

The Creekside Park

- 6.34 This would, essentially, be a landscaped walkway, running beside Chelsea Creek and connecting Lots Road to the Thames Path. Much of the proposed planted area would be achieved by the development of terraces leading down to the creek. These terraces would be intertidal and would not be easily accessible, even at low tide, due to the significant change in level between each terrace. Their primary role would be to provide a setting for the creek and the walkway.
- 6.35 The proposed entrance from Lots Road to the creekside walkway and hence to the riverside walkway would remain routed beneath the perimeter block HF3-A. Concern was expressed in the previous report about the width of the creekside walkway and this has been addressed in this proposal by a widening of the path from 3 metres to 4 metres. This is considered acceptable. An appropriate and attractive "gateway" to the creekside walkway would be important and the specific details would need to be reserved by condition for further consideration in the event of planning permission being granted.

Creekside Gardens

- 6.36 This would be a new open space that was not included in previous applications. The previous scheme has been revised to open up a view of the power station across the site. The open space would directly relate to the creek and proposed creekside landscaping. This is in line with the recommendation made by the Inspector at the UDP Inquiry.
- 6.37 Creekside Gardens would extend the landscaped chain from the edge of the creek through to the interior of the site and across to the boundary with the Chelsea Harbour development. The triangular sloping landscaped area would be bounded by the surrounding pedestrian routes, namely, – the creekside walkway and the linking pedestrian routes across the site via the bridges over the creek. The amount of soft landscape in the garden would be limited, due to the number of paths traversing the open space. However, full advantage

would be taken of the significant change in level across the space in the proposed use and design. The area would be used for passive recreation with seating arranged to focus on the creek and power station beyond.

- 6.38 A new area of open space would be created by the realignment of block HF3-C. It would form a triangular piece of land at an important townscape location between the proposed development and Chelsea Harbour.
- 6.39 In the previous scheme, this area was to be occupied by a proposed building which enclosed the vistas along Chelsea Harbour Drive and Thames Avenue. The new triangular area of open space now proposed would similarly provide the focus for these views and would have a significant role, being sited at the confluence of several key routes. Officers are of the opinion that the provision of this open space in this key location would be a significant contribution to the public realm.

The Riverside Square

- 6.40 This is unaltered from the previous scheme and, unlike the other more linear spaces associated with pedestrian routes, the square would remain a formal space providing the setting for the adjacent buildings. The principle of providing an area of public open space adjacent to the riverside walk is welcomed. However, the square would be detached physically and visually from the walkway.
- 6.41 Access to this space from the walkway would be via flights of steps that would provide informal terraced seating, affording attractive views across the river. If planning permission were granted a condition would be attached to ensure appropriate access for disabled persons. Visually, the landscaped square would be screened from the walkway by a line of trees which might discourage people from using the space. The space could be seen as functioning more as a setting for the surrounding buildings rather than a space which invites public use.
- 6.42 Much of the detail of the landscaping, including design and species of trees and plants, forms part of the application drawings. If planning permission were granted conditions would be attached to ensure that any fine detailing is reserved. Officers consider that the provision of these three open spaces, taken together, is a significant improvement on earlier schemes and represents an acceptable solution in the context of the current proposals.
- 6.43 The relationship of the proposed public open space to the proposed pedestrian routes has improved. Generally, the improved connections across the site are welcomed. In particular the completion of the riverside walkway in this area, and the proposed link across the site from Chelsea Harbour leading to bridge links across the creek to the Power Station are significant urban design improvements.

Calculation of Public Open Space

- 6.44 The applicant's Environmental Statement (ES) quantifies the amount of public open space to be provided as Creekside Park (0.21 ha), Creekside Gardens (0.24ha) and Riverside Square (0.41ha) and also describes the playspace as public open space. However, officers consider that a more conservative estimation of the area of public open space is appropriate.
- 6.45 Firstly, officers consider that the playspace situated in the centre of the 'D' shaped building, HF3-C, should not be included since such a facility is required in addition to any public open space. A further difference between the applicant's assessment of the area of public open space and the officers' assessment, arises from the fact that the applicant refers to most unbuilt areas as public open space.
- 6.46 Some of the areas are, in effect, the spaces which are necessary to separate the residential blocks from each other and allow daylight to reach the dwellings within those blocks. Officers consider that these spaces would normally be considered as either private open spaces or publicly accessible circulation routes, rather than public open space as envisaged by Site Policy 22A in the UDP Alterations. In officers' opinion a reasonable calculation of public open space, as understood within the policies of the altered UDP, is as follows.
- 6.47 In the case of Creekside Park much of the open space, would comprise terraced levels planted for the encouragement of wildlife, (and partly sited within the existing creek), and the creekside walkway. Officers consider that the amount of the area properly to be considered as public open space should be restricted to the area of the walkway and the retired flood defence area adjacent to HFI. This is an area of 0.08ha.
- 6.48 Creekside Gardens would be a linear open space, extending from the southern boundary of the site to the creekside walkway, and it is reasonable to assume that the paths within that area would be seen as part of the public open space. This is an area of 0.24ha.
- 6.49 Officers consider that the proportion of Riverside Square which should be viewed as public open space is the area between block HF4 and the Thames Path together with that area between blocks HF1 and HF5, excluding the 3 metre width path providing access to these buildings. This gives an area of 0.2ha.
- 6.50 The Thames Path should be excluded from the calculations since it is a requirement of the UDP and the UDP Alterations for any riparian development site to provide a riverside walkway of 6 metres in width for the length of its frontage.

- 6.51 On these calculations the overall figure of the total area of public open space that would be provided in the scheme is 0.52ha. Officers consider that, in the context, of the proposals to redevelop this site, this area is sufficient to meet the realistic aspirations of the site policy.
- 6.52 In summary, the proposed open space is an improvement upon the previous applications. The introduction of Creekside Gardens open space would have the considerable advantage of linking the proposed development to its neighbours. Its positioning would ensure that, unlike in earlier schemes, the open space provision would accord with the specific advice of the UDP site policy that the most appropriate location is that of the oil storage tank.
- 6.53 The area of public open space proposed and the relationship to the remainder of the development would, in your officers' opinion, meet the requirements for public open space stated in the site policy. The fine detail of the landscaping of the open space is an important consideration and any planning permission would contain conditions to ensure the Council has control over these matters.

Nature Conservation

- 6.54 Site policy 22 in the adopted UDP, as carried forward unchanged in the UDP Alterations, requires that Chelsea Creek be an area of Nature Conservation. The reasoned justification for this requirement reads:
- "This is the only part of the creek not filled in. As such it provides a valuable habitat complementary to the River Thames and its foreshore. It also forms part of a wildlife corridor for flora and fauna along the West London Railway line. It is also a recreational amenity because of its value for fishing. The Council will encourage enhancement of the creek, particularly in conjunction with any development of adjoining land."
- 6.55 It is considered that it is important for any redevelopment of the application site to achieve a proper relationship with Chelsea Creek and an appropriate enhancement of it.
- 6.56 The UDP Alterations identify Chelsea Creek (as one of the River Thames inlets and in association with the Thames) as a nature conservation area of metropolitan importance. It is one of only three areas in this borough to merit such a designation.
- 6.57 The development of the creek in these proposals would comprise the walkway and a succession of terraces extending to the low watermark, so providing a range of habitats for wildlife. The terraces and walkway would complement this important nature conservation site, both in visual and physical terms. Unlike in earlier schemes, it is considered that the proposed treatment of the creek would respect the requirements of the site policy and policy EN27 "Nature Conservation

Areas". The likely ecological impact of the proposed development upon the creek is also addressed in section 11 of this report.

- 6.58 The proposals to the creek itself are acceptable to the Environment Agency, which had objected to the earlier schemes. The Agency indicates that the formation of the proposed terraces would not result in the loss of flood storage capacity and access to the walkway would be sufficient to meet its requirements provided that appropriate planning condition(s) are attached.

Riverside Walk

- 6.59 The provision of a continuous riverside walk along the Thames is a long-standing Council policy (EN34).
- 6.60 The scheme now proposed would provide a 6 metre wide riverside walk as against the earlier 5 metre width along the whole of the riverbank as required by EN34 and the site policy in the UDP Alterations. The path would be extended across the creek by a bridge. Although the bridge itself would only be 3 metres wide, the benefits of providing this more direct route alongside the River Thames would outweigh the width reduction at this point. This bridge link is supplemented by two further bridges across the creek linking the proposed Creekside walkway with the power station. The creekside walkway's width at 4 metres is an improvement over the previous scheme (3 metres) and is considered acceptable in the light of the creation of the new bridges.

Summary of Analysis against Site Policies 22 and 22A

- 6.61 The site policies set out the principal land use requirements for the application site. Officers consider that the terms of these site policies are met by the current proposals.
- 6.62 The proposed housing is acceptable in land use terms particularly having regard to the level and type of affordable housing. The inclusion of such affordable housing is a significant change from previous schemes. It would provide much needed accommodation that would make an important contribution to meeting the recognised needs of the borough.
- 6.63 The public open space proposed is considered to be a significant improvement over the previous schemes and acceptable in terms of the new proposal. The nature conservation aspects are also considered acceptable with a far more sensitive treatment of Chelsea Creek proposed, as compared with earlier schemes.
- 6.64 The increased width of the riverside walk and creekside walkway are considered satisfactory. Accordingly, the proposed riverside walk is

acceptable and would meet the long-standing aspirations of the borough in line with the policies within the UDP and elsewhere.

- 6.65. The current proposals in general terms would meet the objectives of River Thames policies by providing a well-designed development, promoting wildlife habitats, improving access to river views and maintaining flood defences.

7.0 QUANTUM OF DEVELOPMENT

- 7.1 One of the key features of the proposals is the high density of the development.

- 7.2 Policy H07 of the UDP in conjunction with Standard S2 indicates that new residential development should normally be between a density of 173 to 247 habitable rooms per hectare (hrha). At this level of development the planning authority can usually, anticipate an acceptable form of development which should be capable of relating to its neighbours without any harmful impact. On most sites, at this level of density, family and non-family housing can be provided with adequate internal and external space, sunlight and daylight and will maintain privacy between the new and existing housing. Sufficient internal space is important to provide people with some flexibility in the use of the dwelling. External space, particularly garden space provides an area for children to play, for outdoor activities and can provide ecologically valuable areas in a very built up borough. Adequate internal and external space is particularly important in schemes which provide accommodation for families with children. However, the density standards have always been treated as guidance, they have not and cannot be rigidly applied as it is the effect of high density which can give rise to harm not density per se. This has always been the Council's approach and is consistent with long established government planning guidance.

- 7.3 In recognition that higher densities can be acceptable if well designed and in order to promote more sustainable development in a regional and national context Policy H07 of the UDP Alterations introduces criteria against which schemes which exceed UDP density standards should be judged. These criteria are:

- "(a) the design and layout of the scheme is such that it can make more efficient use of land without comprising environmental quality and
- (b) 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; and
- (c) existing services and facilities would have sufficient spare capacity to accommodate the increased demands that higher density development would place upon them; and
- (d) there would be no increase in on-street parking demand; and

- (e) in relation to the scale of the proposed development, there would be convenient existing or proposed access to and from the site".

7.4 Officers recognise the importance of making the best use of urban land and ensuring that sites in the borough which come forward should be developed to their full potential. The need for housing, particularly the identified requirement for affordable housing, is great. This is reflected in Policy HO7 within the UDP Alterations which is designed to permit developments at density levels greater than those within standard S2, provided that the housing scheme is of high quality and meets each of the criteria within Policy HO7.

7.5 The UDP Policies are in line with national and regional guidance. PPG 3 offers guidance upon making the best use of land. At paragraphs 57 and 58 it advises:

"local planning authorities should therefore examine critically the standards they apply to new development, particularly with regard to roads, layouts and car parking, to avoid the profligate use of land. Policies which place unduly restricted ceilings on the amount of housing that can be accommodated on a site, irrespective of its site location and the type of housing envisaged or the type of households likely to occupy the housing, should be avoided.

Local planning authorities should therefore:

- avoid developments which make inefficient use of land (those of less than 30 dwellings per hectare);
- encourage housing development which makes more efficient use of land (between 30 and 50 dwellings per hectare); and
- seek greater intensity of development at places with good public transport accessibility such as city, town, district and local centres or around major nodes along good quality public transport corridors."

7.6 Policy HO7, of the UDP Alterations, has been developed against the background of current national policy. It also reflects regional guidance. RPG3 paragraph 8.10 reads:

"In view of the concern about the importance of making the fullest use of urban land and to avoid urban sprawl and unsustainable patterns of living it is important that residential areas strike a balance between the provision of adequate housing and the preservation and enhancement of the environment".

7.7 At paragraph 8.11 it recognises that:

"The standards of housing density appropriate in different localities in London vary widely".

7.8 Paragraph 8.12 reads:

"There are opportunities in London for a wide range of densities linked to the provision of different types of housing. The Secretary of State considers that the next review of UDPs should be the occasion for each borough to examine the scope for raising densities. Locations which merit consideration for higher densities include those in or close to existing centres and public transport nodes or where new or converted properties are being developed to meet the needs of smaller households".

7.9 The UDP Alterations policy is in accordance with this advice and the Council's density standard and policy HO7 are robust and up to date.

7.10 The draft London Plan mirrors and further develops and strengthens the call for higher densities heralded in existing national, regional and local policy. Whilst it is subject to an EIP, the Plan is still of considerable relevance. At paragraph 4B.5 it states that:

"A compact city must maximise the potential of its sites. In order to absorb growth in population and jobs London must achieve more intensive development in the right places. It must be designed and managed to ensure long term efficient use, and in forms that are sensitive both to their own operational needs and to their surroundings. Design quality is central to this and poorly designed schemes will squander London's valuable resources and can blight the lives of users and neighbours."

7.11 Policy 4B.3 of the draft London Plan states:

"The Mayor will, and boroughs should, ensure development proposals achieve the highest possible intensity of use compatible with local context, the design principles in policy 4B.1 and with public transport capacity. Boroughs should develop residential and commercial density policies in their UDPs in line with this policy".

7.12 Table 4B.1 of the draft London Plan shows a proposed residential density location and parking matrix. The matrix indicates that appropriate density ranges are related to location, setting in terms of existing building form and massing, and the index of public transport accessibility (PTAL).

7.13 Central settings are those with very dense development, large building footprints and buildings over 4-6 stories and above, eg larger town centres all over London and much of Central London. Urban locations have dense development with a mix of different uses and buildings 3-4 stories eg town centres, along main arterial routes and substantial parts of inner London. Officers consider that the setting of the application site is one that exhibits elements of both the central and urban definition.

- 7.14 The applicant carried out its own assessment of the public transport accessibility level (PTAL) of the site in Scheme 1 and the assumptions have remained the same for Schemes 2 and 3. At the time when Scheme 2 was considered, although officers recognised that the applicant's own assessment was flawed, they did not carry out their own site specific calculation but relied only on the indicative level contained in the UDP contours map. On this map the PTAL for the area in which the site lies is shown as PTAL 1. However in analysing the present application officers have now carried out a specific assessment, as is appropriate before any planning permission is granted.
- 7.15 This assessment shows that the present level is just above the mid-range of PTAL 2. With the implementation of the improvements to bus route 391 that are already committed and funded as a result of the Imperial Wharf development, the level will rise to the top of PTAL 2. Improvements, which would be implemented directly as a result of the present proposals, would increase the level of public transport to PTAL 3. These improvements would be secured by planning obligation and would comprise enhancement of the C3 bus service and of the riverbus service and provision of the Embankment bus service.
- 7.16 In a recent announcement, the Strategic Rail Authority proclaimed its plans for the construction of a new station on the West London Line to be located close to the residential development at Imperial Wharf. The announcement indicated an aspiration that construction would commence in spring 2004 and that the station would open in late 2004. The applicant has offered £1m towards the construction of the station in addition to £1.75m funding already held by the Council from St George under the Imperial Wharf S106 Agreement. Whilst the station's provision remains dependent on the agreement between the Strategic Rail Authority and Network Rail, and the resolution of other issues, the implementation of this important and long-awaited infrastructure improvement does now appear much more likely and imminent than has been the case over the last two years.
- 7.17 Although the station has yet to materialise and the service and frequency to be set, a calculation of its likely impact has been carried out. Whilst provision of the station is not guaranteed the public announcement by the Strategic Rail Authority indicates that its provision is now likely, and officers take the view that it is a legitimate and important material consideration to take into account. On that basis a calculation has been carried out with the station in place. It is estimated that, with the station, the application site would increase to a PTAL of 4.
- 7.18 Having carried out this assessment officers have sought to apply their findings to the guidance presented in table 4B.1 of the draft London Plan. In terms of location, the application site does not fall easily into

any description. In terms of PTAL, it is considered that at present and taking into account improvements, which are committed and which would be committed as a result of the current planning application, the level is within the band 2 to 3. With the station, the PTAL would be 4 and therefore within the band 4 and 6. In terms of setting the site is considered to exhibit elements of both the urban and central definitions.

- 7.19 On the bases of all these findings officers consider that, applying the guidance in Table 4B.1, the most appropriate density at which development should take place on this site would be at the lower end to mid point of the range between 450 hr/ha and 1,100 hr/ha. Clearly for development to be appropriate at this density, other elements of the development would need to respect the proper planning of the area.

Calculation of Residential Density of Proposed Scheme

- 7.20 Residential density is based on the number of habitable rooms per hectare. For the purposes of this calculation the gross site area is used. The UDP defines the gross site area to be the site area plus half the width of adjoining roads up to 6 metres. No part of any river or canal should be included, nor any public open space. The applicant suggests that, because of the environmental works to the creek and basin and its riverside location, half of the creek and half of the basin and a 6 metre width of river frontage should also be included in the gross site area. Such an approach would give an enlarged area of 2.7ha. Officers have measured the application site in strict accordance with the UDP definition. These calculations identify the gross site area as 2.04 hectares. GLA officers have advised that the draft London Plan, for density purposes, should include "ancillary open spaces". They have therefore included the Creek and Basin in their calculations of the site area in LBHF and this would give a residential site area of 2.48 hectares.
- 7.21 The applicant states that the proposal would provide 1281 habitable rooms. The UDP standard requires that if a proposed room is more than 20.5 sq metres it counts as one habitable room per 20.5 sq metres or part thereof for density calculation purposes, and if a kitchen is larger than 13 sq metres it also counts as a habitable room. Some of the proposed market housing have rooms with an area where such calculations would apply. Calculated strictly on the basis of the UDP standard, there would be 1591 habitable rooms. Therefore, according to officers' calculations, the development would have a residential density of 780 habitable rooms per hectare as defined in the UDP compared to the applicant's suggestion that the development would have a density of 474 habitable rooms per hectare. The GLA offices calculations would produce a density of 641 hr/ha based on the UDP standard and 516 hr/ha based on the applicants figures.
- 7.22 The Council's density figure of 780 hr/ha compares with 774 hr/ha in Scheme 2. The figure of 774 for Scheme 2 is a direct comparison to

the present scheme. It is a revised assessment in accordance with the UDP definition of habitable room, which was not strictly followed in reaching the figure referred to within the committee report on Scheme 2.

Evaluation of Schemes Density against Policy HO7 of the UDP Alterations

7.23 The Council recognises the importance of facilitating the optimum use of land in accordance with national regional and local policy. Consequently where a development proposal comes forward which exceeds the normal maximum density standard but complies sufficiently with each of the criteria in policy HO7 of the UDP Alterations, then it may still be acceptable in this respect.

7.24 With this in mind the following sections of the report address the extent to which the proposals are judged to meet the five criteria identified in policy HO7 of the UDP Alterations, for assessing schemes whose densities exceed 247 hr/ha.

Criterion 1 – Environmental Quality of Design and Layout

7.25 The first criterion is that:

“(a) the design and layout of the scheme is such that it can make more efficient use of land without compromising environmental quality”.

7.26 Policy EN8 of the adopted UDP "design and new development" requires that

"The physical character of a proposed building should respond to that of the surrounding area".

This policy has been modified in the UDP Alterations and reads

"Development will not be permitted unless it is of a high standard of design, and compatible with the scale and character of existing development and its setting".

7.27 It goes on to state that all proposals must be formulated to respect, amongst other things, the historic context of the area and its sense of place, the scale, mass, form and grain of surrounding development, the relationship to the existing townscape, sustainability objectives and the principles of neighbourliness.

7.28 Government guidance within PPG1: General policies and principles (1997) offers advice on the importance of design in the consideration of planning applications and, in particular, offers guidance in paragraphs 13-20. Paragraph 13 states:

"New buildings and their curtilages have a significant effect on the character and quality of an area. They define public spaces, street and vistas and inevitably create the context for future development. These effects will often be to the benefit of an area but they can be detrimental. They are matters of proper public interest".

- 7.29 In relation to architectural style, the guidance (paras. 17 and 18) urges local authorities to:

"reject poor designs, particularly where their decisions are supported by clear plan policies or supplementary design guidance which has been subjected to public consultation and adopted by the local planning authority. Poor designs may include those inappropriate to their context, for example, those clearly out of scale or incompatible with their surroundings."

"Local planning authorities should not attempt to impose a particular architectural taste or style arbitrarily. It is however, proper to seek to promote or reinforce local distinctiveness particularly where this is supported by clear plan policies or supplementary design guidance. Local planning authorities should not concern themselves with matters of detailed design except where such matters have a significant effect on the character or quality of the area, including neighbouring buildings. Particular weight should be given to the impact of development on existing buildings and on the character of areas recognised for their landscape or townscape value, such as national parks, areas of outstanding natural beauty and conservation areas."

- 7.30 Paragraph 16 advises that:

"Applications for planning permission should be able to demonstrate how they have taken account of urban design in their development proposals and that they have had regard to the relevant development plan policies and supplementary design guidelines."

- 7.31 Paragraph 19 advises that: "Local authorities are advised that where proposals are consistent with those policies and guidelines they should not be refused on design grounds unless there are exceptional circumstances."

- 7.32 The principal differences in the form and massing from the previous scheme are:

- The relative heights of the two proposed towers has been switched around. The proposed tower HF1 has been increased in height to 37 floors (137m. inc masts) and has been redesigned. Whilst the height of the tower on the northside of the Creek (in RBKC) has been reduced in height to 25 floors (122m. incl masts).
- The layout of the blocks in LBHF has been modified to achieve greater visual and physical connections both within the site towards

the Power Station and across the site to the existing townscape context of Chelsea Harbour and the river.

- The height of Block HF3-C has been modified to suit the new form of the building. The building would now form a transition between the existing development by stepping down from 8 storeys to 5 storeys, thereby responding more appropriately to the height of the power station and the immediate neighbours in Chelsea Harbour.
- Some areas of public open space have been relocated and redefined
- The 3 storey "stand-alone" building (HF6) has been removed from the proposal altogether
- The general heights of blocks adjacent to the Chelsea Harbour development have been reduced to achieve a more sympathetic relationship between the existing and proposed development
- Apart from the swapping of the heights of the two towers, other changes to the scheme in RBKC have been made but which do not materially affect the massing and form of the development in, or as perceived from, LBHF.

- 7.33 The proposed massing concept remains based on locating taller buildings in key locations on the site, with two tall towers on either side of the mouth of the creek. Officers, in their previous report, analysed the proposal to locate a tower on the application site and concluded that it was inappropriate in the context of Scheme 2. However the report recognised that:

"the presence of a tall building on the site could be more readily justifiable if it complemented a more modest development of human scale containing generous riverside/creekside open space".

- 7.34 [Notwithstanding the retention of two tall towers and the location of the tallest in LBHF rather than as in scheme 1 and 2 in RBKC, officers consider overall that the revised scheme is clear improvement in design and layout to the previous scheme. It would more properly respect, and continue, the existing grain and form of the recent developments in the surrounding townscape, namely Chelsea Harbour and Imperial Wharf. The reduction in the heights of several of the proposed blocks would also mean that the general scale and bulk of the buildings would be more consistent with the adjoining developments. The tower HF1, at mouth of the Creek, would, by definition, be significantly even dramatically higher than existing buildings in the surrounding development. Blocks HF5 and HF3-A (previously referred to as HF12) which were identified as blocks which were taller than their immediate neighbours in adjoining developments, have both been reduced in height by one/two floors in the revised scheme. They remain taller than the adjoining buildings in accordance with the architects proposed massing strategy.

- 7.35 The most significant improvements to the masterplan layout are the recognition and enhancement of the view corridor and axis across the

site from Chelsea Harbour to the power station and the relationship of the built form to the public routes. The taller elements of the creekside buildings would be restricted to the western end, thereby allowing the power station to retain its dominance as a landmark in the local setting. This would achieve the visual integration of the power station not only with the southern part of the development, but also with Chelsea Harbour beyond. This physical and visual link across the site to the surrounding townscape, with its focus on the power station and the new Creekside Gardens and walkway, would realise a major urban design opportunity to connect the adjacent sites with obvious public benefits to the wider area. The relationship of the revised layout of the building to the proposed pedestrian routes is a significant improvement on the previous applications. Each section of the proposed pedestrian routes is aligned and directly addressed by the main elevation of an adjacent residential building.

7.36 The siting of block HF5 would involve the loss of a short avenue of trees opposite Admiral Court. The 16 trees making up this short avenue are subject to a tree preservation order. The trees were planted as part of the landscaping in connection with the 1986 scheme. One line of this avenue of trees would be removed by the proposal. Policy EN25 normally requires the replacement of trees subject to a tree preservation order. In this instance the proximity of Block HF5 is the reason for the removal of the trees.

7.37 Officers regret the proposed loss of the existing tree-lined vista. However, a physical link from the centre of the site to the riverside would be maintained. The proposed scheme would replace the existing route with two paved routes of generous widths which would connect the main pedestrian axis across the site to the riverside walkway. Furthermore the proposed open space across the site contain generous tree planting provision which, in quantitative terms would exceed by far the eight trees lost in the current scheme. It is therefore considered that the requirements of UDP Policy EN25, which aims to ensure that suitable replacements are secured for those trees removed, are met.

7.38 Following an assessment of the impact of the proposed height, scale and design of the previous scheme, officers concluded that the scheme would:

- a) harm local views in particular from Chelsea Harbour and the local riverside walk;
- b) not enhance the local townscape in that they would overwhelm the existing development on the adjacent site of Chelsea Harbour;
- c) not relate successfully to their surroundings as required by UDP policy EN8 nor preserve nor enhance the character or appearance of the conservation area as required by Policy EN2, particularly as they would be significantly greater in scale than the surrounding development

- d) not relate successfully to an important landmark building, the power station.

The two tall towers at the mouth of the creek would obviously still be significantly higher than the existing buildings in the surrounding development. The taller of the two towers is now located in LBHF within the current application would be thirty-seven storeys, compared to twenty-five storeys within Scheme 2 whilst the height of the northern tower in RBKC is reduced from 30 to 25 storeys. 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.

- 7.39 Views along the riverside walk would remain largely unchanged from Scheme 2 and would change dramatically from what exists on site today. However, prospective views along the Creekside Walk have been significantly improved by the reorientation and lowering in height of the adjoining building blocks, and the introduction of Creekside Gardens at the intersection of the new axis across the site and the Creekside Walkway. In relation to views from Chelsea Harbour the axial view along Chelsea Harbour Drive would now be enclosed by an area of landscaped open space. 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, defined by building edges would be landscaped and focussed on the refurbished power station, thereby respecting its role as a local landmark.
- 7.40 With regard to points (b) and (c), notwithstanding the increased height of the tower, it is considered that with the proposed reduction in heights of several of the building blocks, the general scale and bulk of the development would be more consistent with the adjoining townscape. The height of the towers would mean that the development would still be perceived as fairly dominant in scale with its immediate neighbours. This is mitigated to a degree by the reduction of height of blocks HF3C and HF5 on the edge of the scheme adjoining the existing residential buildings of Chelsea Harbours.
- 7.41 The revised spatial layout allows for the power station to be fully integrated into the proposed scheme. The proposed axis across the site is focussed on the power station, enhancing its status as a local landmark. In addition, the proposed building blocks adjacent to the creek have, generally, been reduced in height such that they would be lower in height than the main power station building and therefore would no longer challenge its prominence as a local landmark.
- 7.42 The impact of the proposed development on the Sands End Conservation Area and the Thames Policy Area, with particular reference to the proposed tower, is discussed further in the section "Impact on Areas of Special Importance".

Criterion 2 - Open Space

7.43 The second criterion against which high density development should be assessed under Policy HO7 is that:

"(b) 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".

7.44 Policy EN23 in the altered UDP is headed "New Open Space Provision in Connection with Development". It states that:

"All new developments will be required to make provision of open space to meet the needs of the occupiers and users. In respect of residential development open space provision will need to be in accordance with development standard S5A and S7".

7.45 It goes on to read:

"Proposals should include open land provision beyond that required to meet the needs of the development itself particularly where:

- a) the locality is identified as an area of general open space deficiency;
- b) new open space would contribute to the improvement of town centres, employment zones and regeneration areas
- c) there is potential to enhance natural features of strategic importance such as the riverside;
- d) the open space would create or contribute to provision of pedestrian links between existing open space or other established pedestrian routes;
- e) there is potential to enhance the biodiversity value of an area, including the creation of new habitats for wild life".

7.46 The application site is within an area of open space deficiency, as identified in the altered UDP site policy 22A; it is close to the riverside; its development would provide a walkway to link important pedestrian routes; and it lies next to the Chelsea Creek Nature Conservation Area.

7.47 The main areas of open space proposed in the present application are analysed earlier in this report, under the heading Public Open Space. Officers consider that the amount of public open space proposed in the scheme is acceptable in the context of the overall scheme. In particular, it exceeds the area of land which is identified in the UDP Alterations as the most appropriate location for public open space (ie. the oil storage building). In addition, the creation of terracing would enhance the wildlife habitat of the Nature Conservation Area allowing much greater bio-diversity. It would therefore meet policy EN23 in terms of public open space provision. However, the proposal also

needs to address the private open space requirements of individual occupiers.

- 7.48 Standards S5A and S7 and Policy EN23B in the UDP Alterations relate to the provision of children's play areas and private open space.
- 7.49 Policy EN23B is concerned specifically with children's play areas, and standard S7 provides details of minimum levels of play areas that residential developments should provide. The application refers to the provision of a play area and it is shown on the drawings as being sited within the semi-circular internal open space provided in block HF3-C. The playspace, at 0.17 ha. would exceed the minimum area required by the UDP standard. (0.15 ha.)
- 7.50 In terms of private open space, the submitted drawings indicate the provision of terraces to some ground level units with balconies for most dwellings on upper floors. Only in the case of the ground floor units in blocks HF 4 and 5, have private gardens been provided.
- 7.51 The cumulative area of private open space totals approximately 0.61 ha. The UDP standard for private open space requires 36 sq.m for family units and 14 sq.m for non-family units. Overall this would require a total of 1.2 ha for this number of dwellings. Development comprising flats inevitably means that other than for ground floor dwellings the majority of private open space will be provided communally.
- 7.52 In assessing the present application against the UDP standard the overall context of the proposals need to be considered. The location of the site adjacent to the River Thames and Chelsea Creek is an important factor in considering the amenity of prospective occupiers. The setting on the River Thames and the views that would be available to many of the occupiers is clearly a very substantial advantage in terms of amenity and one which is likely to underpin the commercial attraction of the market housing component of the development.
- 7.53 On balance officers consider that, whilst the proposals would not include the amount of private open space sufficient to meet the UDP standard, the amenities of future occupiers would be sufficiently safeguarded to ensure the private open space would be adequate in the context of the proposals and their riverside setting. The public open space provision is considered sufficient and a significant improvement on Scheme 2. The playspace to be provided meets the UDP standard.
- 7.54 Accordingly, it is considered that, in overall terms, the provision of open space in the current proposals is adequate to meet the needs of the residents and would not lead to a deficiency in open space provision for the area as a whole. The second criterion for assessing high density development is therefore now considered to be satisfactorily met.

Criterion 3 -Capacity of Existing Services

- 7.55 The next criterion against which a higher density development should be assessed in accordance with policy HO7 is:

"(c) existing services and facilities would have sufficient spare capacity to accommodate the increased demands that higher density would place upon them".

- 7.56 The main areas of demand upon the borough's services/facilities from the proposed development would fall upon the education and health services. In relation to education, officers consider that at present there is little or no spare capacity to cater for the scale of the development proposed. The large riverside development at Imperial Wharf was permitted on the basis that a significant contribution was made to ensure the increase in capacity of the education service and to increase available school places.

- 7.57 The applicant's ES recognises that education and health provision are a prerequisite to sustainable development. Reference is made within the ES to the conversion of the power station to include the provision of a doctor's and dentist's surgery, an educational museum and some local shops. Provided that the development of the power station is permitted by RBKC and subsequently fully implemented, there should be sufficient capacity, other than in respect of education, to meet the needs of the development within the two boroughs. It is proposed that this be secured by S106 Legal Agreement.

- 7.58 With regard to educational services the applicant has, during discussions on this latest application, acknowledged that there would be a shortage of nursery and primary school facilities as a result of this development. Accordingly, the applicant has now offered a contribution of £350,000 to fund additional or enhanced facilities to meet this need. Officers in the Education Department are satisfied that this contribution would be sufficient to fund the likely extra demands on the education service generated by the development in LBHF. RBKC are understood to be negotiating similar benefits to be incorporated in a planning objection, should RBKC approve the development on their side of the creek.

- 7.59 In relation to health facilities the applicant has also offered to enter into a planning obligation to provide temporary doctor's surgery in place of a private ground floor residential unit in Block HF2 pending conversion of the power station. It is considered this would adequately meet the demands of the development, in the short term.

- 7.60 Officers consider that, on the basis of planning obligations to provide facilities to meet the demands of the development, criterion (c) of Policy HO7 would be appropriately met and the proposals would satisfy Policy CS11.

Criterion 4 - On Street Parking

7.61 The fourth criterion in HO7 for the assessment of high density development is that:

"(d) there would be no increase in on street parking demand."

7.62 The parking allocation for the market housing has been reduced from the previous scheme by 101 spaces. This would result in 175 parking spaces for 181 market dwellings. In the case of the affordable housing the parking allocation has increased from 20 for 222 dwellings to 92 for 214 dwellings.

7.63 Therefore the parking allocation of the market housing would be just six spaces short (3.3%) of achieving one parking space per dwelling and 51 spaces short of meeting the Council's normal standard. The UDP Alterations say that this standard may be reduced in certain circumstances. If they are to be reduced the developer is required to enter into a planning obligation to prevent future occupiers from obtaining on-street parking permits.

7.64 In relation to the affordable housing, the UDP Alterations state that, subject to entry into a planning obligation not to obtain on-street parking permits, the normal requirements of one space per unit may be reduced by up to 75%. Provision at 25% would be 65 spaces. The proposal is to provide 92 spaces (42.5%) and therefore meets the Council's standard for affordable units.

7.65 Chelsea Harbour lies outside the area of the borough which is subject to controlled parking and to which residents of the borough can purchase parking permits. Except for Harbour Drive, all the roads in the vicinity of the site are private roads and public roads within RBKC. Harbour Drive is subject to double yellow line parking restrictions. The nearest road within LBHF in which pay and display parking can take place is Bagleys Lane which is located some 670 metres from the entrance to the proposed development. Whilst more public roads in RBKC are closer, pay and display parking to non-residents is limited.

7.66 Consequently any resident living within the development would therefore experience the very considerable disincentive to parking on-street of a half-mile walk between car and home and in officers' view this is sufficient to suggest that there would be no material increase in on-street parking demand in LBHF. RBKC have not raised any objections either. Any increased pressure on RBKC needs to be assessed by RBKC through taking account of the development and parking provision proposed in RBKC. The Royal Borough also has the power to extend parking controls on-street if it sees fit to do so. Although the site lies outside a CPZ, the S.106 agreement would forbid the issue of permits to residents in the event of any future introduction

of controlled parking on-street to which residents would be entitled, in order to comply with the UDP policy.

Criterion 5 - Access by Public Transport, Walking and Cycling

7.67 The fifth criterion included in Policy HO7 for the assessment of high density development is:

"(e) 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."

7.68 As assessment of the PTAL of the application site has been carried out and is referred to in paragraph 7.15 of this report. The public transport improvements which would result from the current proposals would raise the PTAL to 3 and, if a station were provided in accordance with the recent announcement of the Strategic Rail Authority, this would rise to PTAL 4. The station's provision is still subject to final agreement between the Strategic Rail Authority and Network Rail and dependent upon the settlement of other matters such as funding. The applicants have offered £1 million towards the station's funding. They have agreed to enter into a planning obligation to this effect on the basis that if the funding is unnecessary for the station's construction it would be used for alternative measures to enhance public transport accessibility.

7.69 The use of PTAL as a guide to density levels is promulgated in the draft London Plan (see paragraphs 7.10 to 7.19 of this report). Officers recognise that the table in the draft London Plan is only a guide and has to be flexibly applied. Sites will not often fall neatly into the categories used. This site does not. However, having regard to

- its characteristics which fit both the central and urban definitions,
- its PTAL of 3 when all public transport improvements committed and which would be secured if this development went ahead, with a reasonable likelihood of a station moving into PTAL 4 in the foreseeable future; and
- the fact that the site is, arguably, not within 10 minutes walk of a town centre, or along a transport corridor,

it is considered that based on this guidance, a density figure of 778 hrha (641 by the GLA method) would be a reasonable maximum. The third point is debatable in the strategic context and GLA planners certainly regard this site as an 'urban' location and argue in favour of a more flexible interpretation of these criteria. The Wandsworth Bridge Road/Kings Road "transport corridor" is close by, and the local UDP definition of a "town centre" is not the only one which could be reasonably applied, Fulham Broadway is certainly more than a 10 minute walk but "urban Fulham" (in the Greater London context) is much nearer than this.

- 7.70 It is recognised that the use of PTAL as a tool to assess the acceptable density of residential development is a relatively new concept. It does give some element of objectivity to the assessment. However your officers consider that it is also proper to have regard to the overall context of the site's relationship to public transport services.
- 7.71 The PTAL assessments for the site respectively take into account three bus services, the C3, 11 and 22, the riverboat, the new embankment bus service which these proposals would initiate and the possible new railway station. They do not take into account other services which are practicably accessible, but are not considered sufficiently convenient because their points of access fall outside the maximum walking times from the site (eight minutes for buses and twelve minutes for trains).
- 7.72 Bus routes 211 and 328 have access points for outward journeys within an eight minute walk of the site but not for inward trips. As the average of the inwards and outward access points is taken, these services are disregarded for PTAL assessments. In addition to the nearest station, Fulham Broadway, is some fifteen to twenty minutes walk away, and is also disregarded for PTAL calculation by your officers.
- 7.73 Fulham Broadway station is already under strain and over-crowded during the extended peak periods.. The Wimbledon branch of the District Line, which services Fulham Broadway Station, is subject to unreliability, frequent delays and breakdowns and there is no real prospect of permanent improvement to the line's infrastructure in the next few years. Longer term substantial improvements cannot be assured.
- 7.74 Officers consider that, in the light of the problems associated with the District Line, coupled with Fulham Broadway's distance from the application site, only limited weight should be attached to its presence in assessing the reasonable maximum density figure for residential development on the site.
- 7.75 There are five bus routes within walking distance of the application site, C3, 328, 11, 22 and 211. With the exception of the C3 service that passes adjacent to the site, bus stops are located in New Kings Road for these services. All of these routes can suffer from congestion and reliability problems to a degree, although the impact of congestion charging has yet to be assessed.
- 7.76 The applicant would fund an enhancement of the C3 route by an additional two buses per hour. This would add a further additional capacity of 110 passengers. Officers recognise that the frequency of the services would be enhanced as a result of these proposals, but because of the heavy levels of traffic using these bus routes, they might not provide an attractive alternative to car use for some travellers unless further congestion charging proposals or other deterrents to car users arise in the future. The new proposed Embankment express bus

service would certainly add substantially to the quality and capacity of buses serving the area, and this would also be secured by a planning obligation. The service would run between the Sainsbury's store in Townmead Road and Westminster. It would have a frequency of five buses per hour. ARISE were particularly keen to see such a service introduced during the extensive consultants on the Imperial Wharf development.

7.77 The applicant has put forward proposals for a new boat service directly linking Lots Road with Central London. Such a service would be welcomed and secured by planning obligation. However, the reality is that even a 20 minute service with boats of a capacity of around 60 passengers would have a limited overall capacity. Whilst such a service could well prove attractive to those making journeys to the city, it would not address the needs of those travelling to the south, west or north of London.

7.78 Access to the application site by foot and cycle is, in some respects, made more attractive by its location by the river, the river walk and the flatness of the area. London-wide statistics show that 2% of persons travel to work by cycle. The latest borough-wide statistic show 6% do so.

7.79 The applicant has offered a package of measures designed to enhance the development's sustainability. These are more fully outlined in the section of this report headed "Traffic Impact". Elements of this package such as:

- working with local authorities to improve the pedestrian environment and safe routes to local destinations
- provision of a pool of three hundred bicycles plus safety equipment, a cycle shop and cycle parking in communal areas
- promotion of cycle club and development links with local interest groups and sponsorship of cycling proficiency
- promotion of safer routes to school by walking and cycling

would go some way to further enhancing accessibility of the development by these means.

7.80 In conclusion, officers, basing their assessment primarily on PTAL assessments, but having regard to the overall accessibility of the application site consider that, in relation to the current scale of development, there would be adequate if far from ideal access to and from the site by a range of transport modes including public transport, walking and cycling. It is, therefore, considered that criterion (e) can be regarded as being met.

Conclusion of Analysis against Policy HO7 Criteria for Assessment of High Density Development

7.81 In summary, officers' analysis of the proposed development against these criteria is as follows:

- a) The design and layout of the current proposals are a significant improvement on the previous schemes. Reservations remain about the absolute height of the higher of the two towers, now block HF1. These are addressed in the section "Impact on Areas of Special Importance". Nevertheless on balance the revised scheme has made real improvement in this area, meeting Criteria 1.
- b) It is considered that the open space proposed in the present scheme is far more suitable than that proposed in Scheme 2 and is acceptable in the context of the overall proposals, meeting Criteria 2.
- c) The applicant has indicated its willingness to enter into planning obligations which officers consider adequate to ensure services will be sufficient to cater for the demands of the development, meeting Criteria 3.
- d) It is considered that there would be unlikely to be a material increase in on-street parking demand particularly on public highways in LBHF as a result of the development; Criteria 4 is therefore met; and
- e) Levels of accessibility to the site are considered sufficient to cater for the demands of the development as amended by virtue of the reduced dwelling count, reduced car parking provision and lower likely traffic generation and the commitment that all vehicular traffic must access the site via Lots Road and not via Chelsea Harbour/Townmead Road as was the case within the extant permission (see paragraph 8.3). Criteria 5 is now satisfactorily met.

On the basis of this assessment officers consider that the proposals accord with policy HO7 of the UDP Alterations

8.0 TRAFFIC IMPACT

8.1 Policy TN13 of the UDP requires that

"All development proposals will be assessed by their contribution to traffic generation and other impact on congestion, particularly on bus routes and on the primary road network, and against the present and potential availability of public transport and its capacity to meet increased demand".

8.2 This policy has been examined in the UDP review, and under the UDP Alterations it is now included as the supporting text to new Policy TN11A, "Development and Road Traffic Reduction". This policy reflects the latest central government and regional guidance relating to

vehicular road traffic restraint and sustainable development. Policy TN11A reads:

"Development that would give rise to a significant increase in travel and transport demand will only be permitted if the scheme includes measures to accommodate that demand without giving rise to either overall increase in vehicular road traffic or additional road side parking demand as determined by transportation impact assessment carried out in accordance with appendix 5.4."

- 8.3 Vehicular access to Chelsea Harbour is currently available either from the west via Lots Road and over the Chelsea Creek bridge or from the south via Townmead Road under the West London Line railway bridge. The latter access route is controlled by a barrier and is only available to resident/occupiers of Chelsea Harbour by virtue of a legal agreement entered into when the development was granted planning permission in 1986. Under the terms of the agreement this access facility would also extend to occupants of that part of the current LBHF application site which was owned by Chelsea Harbour Limited ie site B2 in Scheme 1. This would have allowed vehicular access to Chelsea Harbour, via Harbour Drive/Townmead Road by the occupiers of units within the 1986 extant permission.

However the applicant has now agreed to enter into a new legal agreement preventing any vehicular access via the control barrier being made available to any residents of the current LBHF or RBKC application sites thereby eliminating the potential increase in vehicular traffic in local roads in Sands End which would have used this route, had they not been refused, as a means of accessing this development under the extant permission, or under Schemes 1 and 2 had they not been refused.

- 8.4 The vehicular access and egress points to the Lots Road Power Station site in RBKC also lie on Lots Road. The traffic generated by the application site and the site of the proposed development in Kensington and Chelsea would therefore have to pass through the junctions of Lots Road with Kings Road (A3217) or Lots Road with Cheyne Walk (A3200). Kings Road and Cheyne Walk are London Distributor Roads in accordance with London Road hierarchy as set out in RPG3. The function of such roads is to provide links with the Strategic Route Network, which link London to the national road system. The applicant proposes junction improvement to Lots Road/Cheyne Walk within Kensington and Chelsea.

- 8.5 Kings Road and its extension New Kings Road provide a link between central London with Putney Bridge and link central London, via Wandsworth Bridge Road, with Wandsworth. These bridges give access to a large hinterland in south and southwest London and the counties beyond.

- 8.6 Cheyne Walk, via Finborough Road and Redcliffe Road, provides a link between central London and the Talgarth Road (A4) some 2.5km to the north. Talgarth Road provides the strategic link between London and Heathrow Airport and the M4 corridor. As such, it is a major traffic artery.
- 8.7 The local road network is already heavily congested due to the capacity constraints at all major junctions of Kings Road/New Kings Road with Wandsworth Bridge Road, Harwood Road, Lots Road, Gunter Grove/Ashburnham Road and Redcliffe Gardens/Edith Road. This congestion is not confined solely to peak periods. The narrow section of Kings Road just west of Stanley Bridge acts as a further choke to traffic capacity.
- 8.8 Officers have noted that even in quiet periods, such as school holidays, traffic movement in Kings Road/New Kings Road between Wandsworth Bridge Road and Stanley Bridge can sometimes be close to a standstill. This is one of the most sensitive routes in the borough, susceptible to frequent traffic delays caused by even routine events such as buses picking up or setting down passengers.
- 8.9 Whilst the junction of Lots Road with Cremorne Road/Cheyne Walk lies outside the borough, any obstruction to the free flow on the A3220 here can lead to severe congestion on the southbound route from the A4 via Redcliffe Gardens and Edith Grove. Such congestion, in turn, affects east/west traffic in Fulham and Kings Road/New Kings Road. Similarly, any traffic turning left out of Lots Road into Cremorne Road leads to junctions further north with Kings Road and Fulham Road being further loaded.
- 8.10 The junction of Lots Road with Kings Road is another source of potential congestion and obstruction of east-west traffic. Traffic lights installed at the junction in 2001 were designed to assist turning traffic here but increase in priority to the Lots Road input/output restricts the east/west corridor capacity.
- 8.11 Regular observations, made by officers over a long period have indicated that Kings Road/New Kings Road and Fulham Road are already working at full capacity, not only in peak periods but often throughout much of the day. Significant traffic, for example, uses minor side roads, such as Harwood Terrace, to avoid main road congestion at the Kings Road junctions.
- 8.12 Furthermore, soon to come on line will be the additional traffic generated by the Imperial Wharf development, which is under construction. Additional traffic from the Imperial Wharf site will further load Kings Road/New Kings Road via an access point just over half a kilometre from the Lots Road junction. Another new element of vehicle generation, the St Marks College site development, has a vehicular access/egress in Kings Road just by the Lots Road junction.

- 8.13 The area has major physical constraints which tend to exacerbate the effects of traffic generated by the Lots Road site. The River Thames to the east and the West London Line to the south means that (with the possible exception of the controlled access at Chelsea Harbour) vehicular traffic generated by the new development cannot be dissipated via any road other than at the junctions with Kings Road and Cheyne Walk.
- 8.14 However it is necessary to recognise that there is an extant permission for 173 residential units and 146 parking spaces on site B. The current proposed development in LBHF would have parking spaces for 267 vehicles, which provides spaces for only 121 more vehicles than has already been allowed. Added to which development traffic will displace existing traffic to some degree and there will be some modal shift encouraged by the increased public transport facilities which the scheme would initiate. It is against this background that officers have assessed the revised proposals put forward by the applicant for redevelopment of this site. The officers' report to committee on Scheme 2 concluded that the development proposed at that time was contrary to TN13 of the UDP and TN1A of the UDP Alterations.
- 8.15 In terms of the assessment of the current proposals there are a number of considerations which should be taken into account which are in contrast to the assessment of Scheme 2. Firstly, the number of units has been reduced from 443 units in Scheme 2 to 395 in the current proposals. Secondly the number of car parking spaces has been reduced from 296 in Scheme 2 to 267 in the present scheme. Coupled with this overall reduction there has been a redistribution of the spaces between the private and affordable units to comply much more closely with UDP standards. Thirdly, as indicated earlier in the report, a site specific assessment of the PTAL has been carried out which reveals that the site's public accessibility levels are higher than shown upon the UDP's illustrative contour map which was relied upon when Scheme 2 was assessed.
- 8.16 It is also necessary to recognise that there is an extant planning permission for 173 residential units and 146 parking spaces on site B. This development would have parking spaces for 267 vehicles, which provides spaces for 121 more vehicles than has already been allowed. Added to which development traffic will displace existing traffic to some degree and there will be some modal shift encouraged by the increased public transport facilities which the scheme would initiate. It is against this background that officers have assessed the revised proposals put forward by the applicant for redevelopment of this site.
- 8.17 In assessing the number of vehicle trips that would be likely to be generated by the development the applicant's traffic consultants have adopted the most prevalent methodology of calculating the number of vehicle trips. This is by reference to the number of residential units.

These consultants suggest that there would be likely to be one additional vehicle trip per 10 units in the morning and evening peak hours. This is considered by officers to be an underestimate of the likely potential generation from the development. Officers consider that the applicant's traffic consultant's calculations are likely to be based upon unjustified basic assumptions such as a considerable under-estimation of likely occupation rates of dwellings on the site.

- 8.18 Officers consider that a more realistic estimation of the likely vehicle trips that would be generated from the development in the morning and evening peak hours is closer to one movement per 5 units rather than the applicant's consultant's suggestion of one per 10 units. Officers accept that the methodology of assessment, by calculating likely vehicle trips with reference to the number of units, is an appropriate approach but that the number of units is not the only factor which influences the likely number of vehicular trips. Insofar as this correlation is used to assess the likely traffic impact upon the surrounding highway, the reduction in the number of total units by 48 from Scheme 2 is a material improvement.
- 8.19 Another factor which is likely to have a material influence upon the number of vehicular trips is the amount of car parking provided. In the present proposals there would be a total of 267 parking spaces. This number is 29 less than the 296 spaces proposed in Scheme 2. As with the number of units, this represents a reduction of over 10%. In the opinion of officers, this would be likely to ensure that the development currently proposed would generate fewer vehicle trips than the development proposed in Scheme 2. The absence of any available street parking within easy reach of the development should deter or limit car owners particularly amongst residents not having access to the limited off-street parking spaces available within the development, coupled with private control and enforcement in the Chelsea Harbour estate (and Imperial Wharf which is in any event a long way from the proposed development).
- 8.20 A further factor that is likely to influence the use of motor vehicles is the accessibility of the site to other modes of travel including public transport, cycling and walking. The site's accessibility to these modes has been analysed earlier in the report. Site specific PTAL calculations have indicated that the site is more readily accessible to public transport than indicated on the illustrative contour map within the UDP, which had been relied upon in assessment of Scheme 2. Officers consider that there is a correlation between the likely amount of road traffic and a site's accessibility to public transport. Accordingly, they consider that the fact that the site's PTAL would be likely to be secured at 3 prior to occupation of the proposed development, would have the affect of reducing motor vehicle trips as compared with the position if the site's PTAL were 1.

- 8.21 On the basis of the above factors, officers are of the opinion that the number of vehicle trips likely to be generated by the current proposals would be materially lower than their assessment carried out in relation to Scheme 2. Nevertheless, it is clearly still necessary to consider the likely impact of the current proposals on the already congested highway network.
- 8.22 The applicant's consultants have submitted theoretical computer model assessments of the links and junctions in the area. These assessments indicate that there would be no significant increase in traffic congestion upon the adjacent road network caused by vehicle trips generated by the development. However, officers are not convinced by these apparently reassuring findings. Theoretical model analysis of the detailed traffic impact of trip generation by individual major developments onto congested inner city highway networks can be misleading as it is very difficult to accurately model dense urban networks where very heavy traffic flows are automatically suppressed by junction capacity.
- 8.23 Officers consider that any development of the application site at density levels which respect the latest regional and central government advice to optimise the use of Brownfield sites and the aspirations of the Council to do the same, would be likely to generate vehicle trips which would impact to some degree upon the existing highway network. It is important that the Council, as local planning authority and local highway authority, ensures that the impact on the highway is not unreasonable and unacceptable. In the section of this report headed "Quantum of Development" officers have concluded that, taking into account the site's accessibility, the density level of the proposed scheme is at the maximum reasonably permissible.

Travel Plan

- 8.24 The applicant has put forward a travel plan which would be designed to enhance the development's sustainability and to reduce reliance on the private motor car. The proposals would involve the appointment of a transport manager to implement, monitor, co-ordinate and market the various elements of the travel plan. The manager's role would include distribution of information when public transport and walking and cycling facilities to residents and visitors to the area. The manager would operate from a community travel centre situated in the converted power station building.
- 8.25 The key elements of the travel plan would be:
- Obligation on all private market occupiers to purchase smart card (£200 p.a) and pay for river bus service (115 p.a) within their service charge.
 - Transport Manager to work with operators to promote and increase bus/train and river bus services.

- Transport Manager to work with local authorities to improve pedestrian environment and safe routes to local destinations.
- Provision of pool of 300 bicycles plus safety equipment, an affordable cycle shop and cycle parking in communal areas.
- Promotion of cycle club and development of links with local interest groups and sponsorship of cycling proficiency and education schemes.
- Set up journey share scheme on web-site.
- Negotiate with local car hire company to provide affordable car hire.
- Provide car pool which could be booked for short journeys.
- Negotiate with local mini-cab/taxi firms to provide safe, cost-effective taxi service
- Promotion, in conjunction with local authorities, safer routes to school by means of walking and cycling, including sponsoring school travel plans.
- Encouraging additional school bus service.
- Encouraging internet shopping including the provision of a storage facility for receipt of goods.

8.26 Officers have reservations as to how much impact all these proposals would have upon the number of vehicle trips generated by the development as there is no proven or wholly reliable method of accurately calculating the effect. The travel plan does not include specific targets or penalties/constraints as a result of non performance. As a mechanism to improve a situation which is already considered, on balance, to be acceptable, the travel plan is considered to be appropriate. But officers do not consider it sufficiently robust to be a solution to an otherwise unacceptable development. The proposed development sits somewhere between these two perspectives.

8.27 At the time of the officers' report into Scheme 2, congestion charges in central London were referred to but had not yet been implemented. Since that date the congestion charges have been introduced but officers consider that it is still too early to determine whether or to what degree these charges will have a material effect upon the highway network in the vicinity of the site. Equally, it is not yet known whether the charging zone will be extended westwards towards or even beyond the site and what effect this would have. There is therefore a great deal of uncertainty and a lack of "scientific proof" or reliable data as to the real impact on traffic patterns which the proposed development may have.

8.28 Given the already congested nature of the area even before other nearby schemes are completed, in summary, officers consider that the current proposals are probably at the limits of acceptability in terms of traffic impact. Material improvements have been incorporated in the proposals as compared to earlier planning applications and reductions in both the number of units and car parking spaces are likely to ensure that the likely level of vehicle trips would be reduced as compared with

these earlier rejected proposals. The assessment of the likely number of trips has been made against the background of the site specific PTAL assessments. The reallocation of parking spaces between the private units and the affordable housing units is a significant improvement upon earlier schemes.

- 8.29 Officers consider that the proposed development would have an unquantifiable and probably irregular adverse impact upon the highway network. However, officers also recognise that any significant development of the site would have some adverse traffic impact as would any high density scheme, including, to a lesser degree, the extant planning permission for the site in LBHF. It is therefore concluded, on balance, that in traffic terms the proposals are probably at the limits of acceptability.

9.0 IMPACT ON AREAS OF SPECIAL IMPORTANCE

- 9.1 The next issue to be considered is what impact the proposed development would have upon the character and appearance of the Sands End Riverside Conservation Area and the Thames Policy Area of Special Character.

9.2 In recommending refusal of Scheme 2 in September 2002 officers concluded "the development would have a harmful impact on the character and appearance of the conservation area and the Thames Policy Area. The site gives the opportunity for development which, if sensitively carried out could contribute significantly in enhancing the character and appearance of these areas and facilitating their regeneration." The report further stated that "the proposals do not adequately meet the criteria contained in national, regional and local policy. It is considered that the proposed buildings are inappropriate on this site and their combined size unjustified. It is considered that a less dense and a generally less massive and bulky form of development could meet policy requirements and achieve substantial improvement on the site whilst achieving recognition for a new residential development and respecting its sense of place. Such a scheme would be more characteristic of the area and of the predominant scale of buildings on this stretch of the river."

Sands End Conservation Area

- 9.3 On July 2002 the Sands End conservation area was extended to include a strip of land on the application site which stretches along the river front and Chelsea Creek. The main purpose of the designation was to continue the protection which is afforded to the neighbouring stretch of the borough's riverside, whereby public access along the riverside is provided and enhanced, and an appropriate form of development is secured for its setting.

9.4 PPG15: Planning and the Historic Environment [1994] provides a full statement of Government policies for the identification and protection of historic buildings, conservation areas, and other elements of the historic environment.

9.5 The guidance states in para. 2.4 that local authorities should:

"pay special attention to the desirability of preserving or enhancing the character or appearance of any conservation area in exercising their development control functions".

9.6 The scheme also needs to be assessed against the relevant policies aimed at development in conservation areas in the UDP, and the amplification of design guidance in the conservation area character profile. The UDP Policy, based on PPG15 guidance, states that development within conservation areas will only be permitted if its siting, design, external appearance and layout pays special attention to the desirability of preserving or enhancing the character or appearance of the conservation area concerned.

9.7 The Character Profile for the Sands End Conservation Area assists in interpreting these broad principles and provides basis for the detailed assessment of individual proposals. The profile was published prior to the conservation area being extended, but is, to some extent, relevant.

9.8 The Character Profile states:

Para. 6.3 – This conservation area offers many opportunities for new development. This should respect the character of the river front and of the surrounding areas. Particular attention should be paid to the height, scale and massing of new development and the effect which this has upon the character of the river corridor, upon the quality of open spaces, and upon views into and out of the conservation area."

9.9 With regard to the character that should be respected the Profile states:

"Para.6.12 – Wandsworth Bridge is a landmark within the conservation area. The Belvedere tower at Chelsea Harbour is a prominent landmark in views of the conservation area from the north and the east and should remain the main landmark feature along the riverfront in this area. The setting of these landmark buildings and structures should be respected. New buildings should not compete with them.

Para.6.13 – Views of, and along, the river bank on both sides of the River Thames are an important characteristic of the conservation area. The impact of any development on this should be given full consideration so that it does not have a negative impact. New development should open up views of the river."

9.10 On building height, the Profile states:

"Para.6.15 – The different heights of potential new buildings along the riverfront are important in defining the character of the conservation area. New development should form a transition between the existing low scale development and the existing high development the latter which should be seen as an exception".

- 9.11 Against the general policy background and the more detailed conservation area profile, officers consider that the proposed pedestrian routes together with their landscaped setting and associated public spaces would satisfy the objectives of the conservation area policy. In all these areas the revised scheme is a considerable improvement on earlier proposals.
- 9.12 The general reduction in height (apart from the tower HFI) and the modified massing of the proposed scheme provide an appropriate setting for the pedestrian routes and landscaped spaces in the conservation area. However, the proposed tower also forms part of the setting of the conservation area. Whilst the applicants have suggested how the base of the tower could successfully relate to the public realm, the increased height and scale of the tower itself also needs to be assessed in relation to the conservation area and Thames Policy Area generally. This assessment is described in the following section - "Thames Policy Area".

Thames Policy Area

- 9.13 The River Thames and its surroundings is recognised in national, regional and local guidance as an important natural asset. Policy EN31 of the UDP "The Thames and Thameside Area of Special Character" confirms that the Council will seek to preserve and enhance the special character of the river and riverside.
- 9.14 Policy EN31 of the altered UDP requires the protection of important views along, across, and from the river. Policy EN31X "Design of Development within the Thames Policy Area" states that development will not be permitted within the Thames Policy Area unless it respects that riverside context, is of a high standard of urban design and maintains or enhances the quality of the building environment.
- 9.15 These policies are very much in line with strategic guidance. In addition, the Council, as a partner in the Thames strategy recognises the great importance of the Thames and of ensuring that any development within the Thames Policy Area is sensitive to its character and history.
- 9.16 Strategic Guidance for the River Thames (RPG3B/9B) indicates the overall objectives that guide government policy in respect of the Thames area. While it recognises that there can be conflict between the different functions which the guidance is seeking to address, it

nevertheless emphasises the need for development to strike a balance between conflicting uses and objectives, in particular:

- In respect of the built environment;
- to secure a special quality for all new development on the River and riverside, appropriate to its context, and to improve the existing townscape;
- to protect and enhance historic buildings, sites, structures, landscapes, skylines and views of importance;
- to enhance the vitality of the river front by making best use of its potential attraction for a range of uses; by promoting the regeneration of redundant urban land and buildings; by promoting uses which enhance people's enjoyment of the River; and by discouraging development which neither contributes to, nor is appropriate for, a river location;
- to protect important archaeological remains;
- to protect the natural environment;
- to improve the quality and provision of open space along the river;
- to conserve and where appropriate enhance the ecology of the River;
- to respect the green belt, metropolitan open land and other recognised designations denoting areas of ecological, conservation and landscape importance; and
- to maintain and improve public access to, along and across the River; taking into account the needs of disabled people;

9.17 In order to achieve these objectives riparian planning authorities are advised to adopt policies in their development plans in relation to the river Thames and its riverside to:

- maintain and improve the quality of the built environment (this would involve consideration of high buildings and design);
- restore and promote the vitality of the Riverside in areas of development opportunity;
- conserve and enhance the character of the natural and historic environments; and
- encourage and facilitate the use of the River and riverside for transport and recreational purposes.

9.18 The strategic guidance states that:

"dramatic visual statements and landmark buildings may be appropriate in exceptional cases...". Given the sensitivity of the riverside location – "the skyline views and vistas the river offers make an important contribution to London's unique character and international image" (RPG3B/9B).

9.19 The Thames Strategy Kew – Chelsea [2002] promotes a long term vision on the River and has been devised with the requirements and objectives set out in the Strategic Planning Guidance for the River

Thames (RPG3B/9B) in mind. The Strategy was commissioned by a steering committee which included the West London River Group, the Greater London Authority (formerly Government Office for London and London Planning Advisory Committee), the Environment Agency, English Heritage, English Nature, the Port of London Authority and riparian boroughs. The Strategy contains broad policy recommendations aimed at reconnecting the river to the rest of the city, improving the riverside environment, protecting views and landmarks and promoting high quality urban design. The Strategy also identifies local opportunities for individual areas. For the area the subject of this application, Chelsea Harbour and Chelsea Creek, the strategy identifies the following potential opportunities.

- extend river walk over creek/under railway bridge
- pedestrian link across Battersea Railway Bridge
- Chelsea Harbour/Imperial Wharf is leisure/activity hub
- increase use of the existing pier/river services
- enhance Chelsea Creek environmental/heritage value
- maximise public benefits from new development
- new station and public transport improvements

- 9.20 The Lots Road power station is identified in the Thames Strategy Kew-Chelsea as an important landmark industrial building. It describes the building:

"The Lots Road Power Station at the mouth of Chelsea Creek was the world's largest power station when built in 1904. Designed by an American engineer, it supplies electricity to the London Underground and covers the site of the Cremorne Pleasure Gardens."

- 9.21 The Strategy identifies important local views along the river, which include views from the bridges towards the power station. These are also identified as important local views in LB Wandsworth's UDP.

- 9.22 The Strategy goes on to warn that:

"many of the new residential developments proposed along the river are conceived as "landmarks" and without a coherent design framework will compete with each other for attention".

- 9.23 It concludes with a Policy recommendation:

"The siting of future landmark buildings should take into account: the character of the reach; identified Important Local Views/Prospects; local landmarks; and the setting and skyline of historical waterfronts. They should also be considered in relation to existing or permitted future development, to ensure a coherent and legible skyline. Developers will be required to prepare Design Statements to accompany applications, in addition to satisfying the requirements of existing EIA regulations".

- 9.24 The site's location next to the River Thames requires consideration to be given to other Themesside policies both in the Council's development plan and the emerging draft London Plan. Reference is made in the report to preserving and enhancing its special character (Policy EN31), in respect of development on the riverside (Policy EN38), the impact upon nature conservation areas (Policies EN27 and 29) and upon flood prevention (Policy EN39).
- 9.25 The Blue Ribbon Network in the draft London Plan would replace, if adopted, the London part of the strategic Planning Guidance for the River Thames. The Blue Ribbon network proposes that land should be prioritised in favour of uses requiring a waterside location but where not needed it can offer an attractive location for a range of development (Policy 2A.12). Policy 2.13 states that development should respect the water location through high quality design which particularly
- Protects and enhances biodiversity
 - Respects waterway heritage
 - Enhances opportunities for views across and along waterways
 - Ensures appropriate access to the water and opportunities to enjoy the water
 - Provides for suitable flood defences
- 9.26 The ES submitted by the applicant includes an assessment of the impact of the proposed development on the River Thames and the surrounding environment. It concludes that the towers would enhance the riverside.
- 9.27 Clearly it is very important to assess the potential impact upon the Thames and the surrounding area as part of the consideration of this planning application. The visual impact of the development that includes proposed towers on the River Thames and the riverside would be considerable.
- 9.28 In contrast to the buildings proposed within Scheme 2, those proposed in the current application would, in most cases, be similar in height and scale to the blocks in the adjoining Chelsea Harbour and beyond in the Imperial Wharf development. The exception is the tower, HF1, which at 37 storeys would be, by some way, the tallest building in the borough and dramatically taller than the existing landmark tower along this panorama the Belvedere Tower at Chelsea Harbour.
- 9.29 The proposed towers have been redesigned omitting the vertical terracotta fins in order to emphasise their silhouette and plan form. The tower on the south side of the creek, HF1, is deliberately designed to be taller than the tower in the Royal Borough of Kensington and Chelsea which would be 25 storeys. This represents a switching of the relative heights of the two towers from the previous scheme and has the effect of moving the taller tower to the centre of the axial view along

the river from the east. This urban design response is considered to be the appropriate juxtaposition for the relative heights of the towers, and is an element of the revised scheme which is strongly supported by CABI. The switching of the relative heights of the towers also has the effect of moving the taller building away from the power station.

- 9.30 The Lots Road power station, one of the three important Thames-side power stations, is, at present, a landmark building in its own right. It is prominent in its present setting and provides a recognisable feature on this stretch of the river. It can be seen in long views from the east. The existing towers which can be seen in the wider views of the riverside area, the GLC towers, Battersea and the Worlds End towers, as well as the recently completed Montevetro tower in Battersea are all unrelated incidental points which identify their own distinct area. The proposed buildings would not, in your officers' opinion, tie the identity of these areas together as stated by the applicant in the ES. The proposed towers could only be justified in townscape terms if they are considered as landmark features in their own right, giving identity to an area of urban regeneration. They could only be deemed appropriate following an analysis of the visual impact that the proposed towers would have on this part of the riverside.
- 9.31 The proposed towers would be visible from many viewpoints within the borough. The towers would be particularly visible in views from the Chelsea Harbour development, those from Wandsworth Bridge and those from along Townmead Road. Outside the borough of particular significance are the important view points at Albert and Battersea bridges as well as from the Wandsworth Riverside. These viewpoints lie within Wandsworth. The London Borough of Wandsworth has not raised objection to the proposals.
- 9.32 Of equal importance to the implications to the local townscape of the proposed tower, is the impact of the tower on the wider environment. A tower of the height proposed would feature in many views across this part of London. Its wider impact needs to be assessed at a strategic level.
- 9.33 The Greater London Authority following their consideration of the strategic visual impact of the proposed tower in relation to the Thames Policy Area and riverside setting have expressed strong support for the scheme. Similarly, CABI and English Heritage have expressed support for the proposal; CABI welcoming the latest revisions to the proposals and English Heritage concluding that the two towers would have little or no adverse impact on listed buildings, conservation areas and other heritage designations. CABI and English Heritage support for the towers is particularly significant as it follows the publication of their joint paper – "Guidance on Tall Buildings". The Guidance follows their earlier wide-ranging consultation and takes full account of the Government response to a Report of the Parliamentary Committee on Transport, Local Government and Regional Affairs on tall buildings.

9.34 The applicant has, as with Scheme 2, submitted a thorough photomontage study of the proposals. This enables analysis of the revised juxtaposition of the towers. Comments expressed previously by officers with regard to the impact of the proposed towers remain generally applicable, especially in relation to:-

- the setting of Albert Bridge [Grade II* listed structure] in views from the east where the proposed tower forms the backdrop to the elegant silhouette of the bridge.
- the power station building [local landmark]. The power station provides a central focus in long and mid-distance views along the river. The proposed towers, due to their height and scale, would dominate the power station as a local landmark.
- their cumulative impact when viewed from the south and west, where a visual effect is that the towers combine in height and mass to create a unified bulk and form.

9.35 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. From these viewpoints the towers appear at their most slender with their slim leading edge facing the long river view, fulfilling their intended townscape objectives as landmark features. However, the rhomboidal plan form means that the longer, "side" elevations arranged parallel to the power station gradually reveal themselves as the viewpoint moves west and then south on the opposite side of the river. It is in some of these views where the combined height and bulk of the towers has most visual impact.

9.36 UDP Policy EN9 on high buildings states that:

"A new building significantly higher than most of the surrounding buildings or in excess of 20 metres will not normally be acceptable unless it meets all the following requirements:

- (i) It does not adversely affect the character of a conservation area".
- (ii) It does not adversely affect the character of any area from which it would be seen, including open spaces, the river or riverside.
- (iii) It does not adversely affect the Strategic View from Richmond Park [King Henry's Mound] to St. Pauls Cathedral as identified on the Proposals Map
- (iv) It does not affect any other important view, including that of Central London from Sawyers Hill or a local view or landmark or views from or towards the River Thames, its bridges or the riverside

- (v) It does not affect the setting of a building on the statutory list or local register
- (vi) It should enhance the townscape and, if located on a riverside site, be clearly justified for townscape reasons
- (vii) It should not be likely to cause an unacceptable increase in ground level windspeeds in the vicinity
- (viii) It should be carefully related to its surroundings in accordance with Policy EN8 and the Standards Chapter [Chapter 11]

9.37 Some of the requirements listed under the Policy are met, namely that the tower does not affect strategic views or the setting of any buildings on the statutory list or local register. Others, such as the likely increase in ground level windspeeds have been addressed by the applicant. The applicant's Environmental Statement [para 19.4.1] recognises that the riverside square would be affected by the proximity of the proposed tower and that without the proposed landscaping conditions would be tolerable for standing only during the winter months. The landscaping of the proposed square has been designed to fulfil this function.

9.38 Whilst officers remain concerned on two of the criteria; the impact of the proposed towers on the setting of the conservation area and specifically the riverside, it is considered that due regard and considerable weight should be paid to the strong support for the towers from the GLA, CABE and English Heritage following their analysis of the impact of the proposed towers on the riverside. The townscape context provided by the proposed built form around the towers has improved, and officers' consideration of the impact of the towers need to be assessed in the light of the potential benefits to the conservation area and riverside of the scheme overall.

9.39 In summary, officers recognise the strong support for the towers, following the strategic assessments of their impact, from CABE, English Heritage and the GLA. Nevertheless, officers' consider that when applying a strict interpretation of policy EN9, in particular with regard to the impact on the conservation area and Thames Policy Area, the evaluation is finely balanced.

9.40 However, the tower is one part of the wider redevelopment scheme and the impact of the proposed tower needs to be balanced with the potential benefits of the scheme overall. The reduced height of many of the buildings in this revised proposal particularly on the edge of the site, adjoining Chelsea Harbour is more sympathetic to the prevailing scale of the adjoining developments at Chelsea Harbour and Imperial Wharf, and new links across the site give the opportunity for the proposal to be successfully integrated with its surroundings. Furthermore, improvements in the form of the continuation of the riverside walk, improvements to Chelsea Creek, and the provision of

open space at Creekside Gardens would ensure that the character and appearance of the land within the designated conservation area is enhanced.

- 9.41 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.

10.0 RESIDENTIAL AMENITY

- 10.1 The next issue to be addressed is the impact that the proposed development would have upon the amenities of surrounding residential occupiers and whether amenity is safeguarded for those who would occupy the development itself. The scale of the proposals is central to this assessment and officers have had particular regard to this element in determining whether or not the impact would adversely affect residential amenity to an unacceptable degree.
- 10.2 Some development of this site has always been anticipated by the residents of Chelsea Harbour. It had been envisaged that its form and appearance would follow that of the existing Chelsea Harbour development as expressed in the 1986 planning permission. The overall scale of the proposed development would be greater than the 1986 scheme and buildings would be sited closer to the existing Chelsea Harbour properties.
- 10.3 Officers concluded that the two earlier proposals for the site would have unacceptably affected the amenity of neighbouring residents. The applicant has proposed changes in an attempt to address these objections. The most significant changes are:
- (i) That part of block HF5 sited opposite 2-20 Admiral Square, has been reduced in height from 6 to 5 storeys and that part of HF5 sited opposite Admiral Court, has been reduced in height from 11 to 10 storeys.
 - (ii) The single storey buildings, proposed in the previous scheme at the rear of block HF5, are excluded from this proposal and a gated access would be provided along the rear boundary of 2-20 Admiral Square to address residents' objections to the proposed loss of rear access that facilitates the maintenance of their properties.
 - (iii) Block HF7, formerly proposed to partly face Carlyle Court, has been removed and replaced by part of the Creekside Gardens public open space. A new block HF3-C is proposed to replace block HF7 and would be sited at an angle to Carlyle Court and would be one storey lower where it is closest to Carlyle Court.

(iv) The blocks to the north of the Quadrangle, HF3-A and HF3-B remain the same height as in the earlier scheme, ie. 8 storeys, except that the 12 storey element of block HF3-A would be reduced to 10 storeys. Block HF3-B would be set further back, giving a window to window distance of 25 metres, and block HF3-C, which would face the east end of The Quadrangle, would be one storey lower than block HF7 in the previous scheme. In terms of privacy the Council's UDP standard S13.2 would be met in all but one location, ie where the east end of the Quadrangle faces block HF3-C. Here the distance of 16 metres between the buildings would be 2 metres less than standard S13.2 indicates as an appropriate privacy distance between opposing windows.

10.4 A further impact which would arise from the proposals is that of whether sufficient sunlight and daylight can reach existing and proposed dwellings. Standard S3 of the UDP Alterations deals with the provision of adequate daylight and sunlight to new developments and the protection of sunlight and daylight to existing buildings. Standard S3.1 reads:

"In considering the provision of adequate daylight and sunlight to new development, including extensions; the protection of adequate daylight to potential development sites; the protection of adequate daylight and sunlight to existing buildings; and the protection of sunlight to open amenity areas, the Council will have regard to the guidance set out in the Building Research Establishment's (BRE) Report 1991 'Site layout planning for daylight and sunlight - A guide to good practice' in the circumstances of each case."

10.5 This document illustrates three different methods of assessing daylight to or within a room, the Vertical Sky Component (VSC) method, the plotting of the no-sky line method and the Average Daylight Factor (ADF) method.

10.6 The VSC method measures the amount of sky that can be seen from the centre of an existing window and compares it to the amount of sky that would still be capable of being seen from that same position following the erection of a new building. Provided that with the new building in place, not less than 27/40 of sky remained unobstructed or if less, then no more than 20% of the amount of sky formerly seen was obstructed, then daylighting in existing buildings would be unlikely to be seriously affected.

10.7 The plotting of the no-sky Line measures the distribution of daylight within a room. The no-sky line indicates the point where the sky cannot be seen from within a room through the window due to the presence of an obstructing building. For residential purposes the point at which this is measured is 0.85m above floor level. This is approx the height of a kitchen work surface. This test will enable a line or contour to be drawn

within each room by joining up the points formed by drawing a straight line produced by the top of the obstruction (ie proposed or new building), the top of the window to the room being measured and the point in the room at 0.85 metres above floor level.

- 10.8 The BRE document also refers in Appendix C to other interior daylighting recommendations, in particular the British Standard for daylighting. This uses three main criteria, the Average Daylight Factor (ADF), the depth of the room and the position of the no-sky line. All three criteria need to be satisfied if the whole of the room is to look adequately daylight. Even if the amount of daylight in a room (given by the average daylight factor) is sufficient, the overall daylight appearance will be impaired if its distribution is poor.
- 10.9 The ADF method uses a mathematical formula, involving values for the transparency of the glass, the net glazed area of the window, the total area of room surfaces, their colour reflectance and the angle of visible sky measured from the centre of the window. This is a method which measures the general illumination from skylight and takes into account the size and number of windows and size of room. All consultants agree that it can be used as a measure of the minimum level of acceptable daylight within new buildings.
- 10.10 The BRE guidelines include a section headed "Existing Buildings" which highlights two methods, i.e. the VSC and the plotting of the no-sky Line to assess whether or not a proposed development would be likely to have a serious effect upon the daylight reaching windows of existing buildings.
- 10.11 The applicant's Environmental Statement includes an assessment of the impact on sunlight and daylight in relation to the existing buildings and to the proposed buildings and compares the current scheme to that of the development approved in 1986. The applicant's consultant advocates the use of the Average Daylight Factor (ADF) as the most appropriate yardstick to assess the effect of the proposals. His conclusion in relation to the effect upon the existing buildings at Chelsea Harbour is:-
- "that the proposed scheme, whilst in some circumstances appreciably reduces light to certain rooms, will however leave a reasonable level of daylight and sunlight to all of the neighbouring residential properties and particularly when compared with the consented scheme the position is often better".
- 10.12 The Council commissioned the BRE to analyse the daylight and sunlight assessments carried out by the applicant's consultant. Its report indicates that the applicant's consultant's conclusions contain certain contradictions. The BRE assessed the position using the applicant's base data using the VSC methodology. It concluded in

respect of daylight as follows (Sunlight was not considered important as nearly all the existing windows face within 90 degrees of due north):

- "There would be a significant loss of daylight to Nos: 2-20 (even) Admiral Square, and flats Nos 33 and 36 at the north east corner of The Quadrangle. The calculated VSC figures are in general well below the BRE recommendations compared with the existing site, and are all lower (in many cases, substantially lower) than those achieved with the consented scheme.
- There would be a number of additional windows in Admiral Court (north side only), Carlyle Court, the rest of the Quadrangle, and the Chambers, for which the BRE guidelines are not met and where there is a net loss of light compared to the consented scheme.
- For other windows loss of light would be within the BRE guidelines.
- For many windows to the Quadrangle there would be a net gain in light compared to the consented scheme, though in each case there would be a loss of light compared to the existing situation. However, for individual tenants or home owners it is of little compensation if loss of light to their own dwelling is balanced by gains of light to someone else; though a local authority may take into account overall gains of amenity to the general area when deciding whether to grant consent. In this case, the gains of light to these rooms are generally relatively small compared to the loss of light to those areas listed above, even when compared to the consented scheme.

10.13 As compared to the BRE analysis of Scheme 2, there has been an improvement in that flats 39 and 42 of The Quadrangle are not included in those dwellings which the BRE analysis indicates would have a significant loss of daylight. All the other rooms which would exhibit a significant loss of daylight, based on the BRE guidelines using VSC methodology, would lose less under the current proposals, as compared with Scheme 2.

10.14 One area of disagreement between the applicant's consultant and the Council's consultant is the most appropriate measure to be used to assess the likely impact upon existing buildings. The VSC is the measure advocated as the primary measure by the Council's consultant and he says as a proper measure of the environment as a whole. The applicant's consultant advocates the ADF method as the most appropriate measure because the room layout and uses are established and the ADF can therefore be used to determine the particular daylight level in each room. The Council's consultant considers that ADF is more appropriately used as a measure only for daylight within new buildings rather than within existing buildings.

10.15 In the light of the disagreement between the consultants on the best methodology to use and the importance of this issue for the development of planning policy in the next review of the UDP or the new Local Development Framework proposed in the Planning Bill,

particularly in the context of regional and national policy encouragement for higher densities and, in London, taller buildings, officers therefore commissioned a third consultant, independent of the BRE, to advise further.

10.16 On the issue of methodology, the third consultant wrote: "As mentioned in the introduction to the [BRE] guide the documents should not be used as an instrument of planning policy and should be interpreted flexibly [officers' emphasis] because lighting is only one design factor for any scheme. On that basis I think one must look at the effect on adjoining properties in an overall sense and in a manner that befits the type of exterior that the scheme is being built in"

10.17 He goes on to state: - the relevant section of the BRE guidance dealing with the effect on the existing buildings deals quite specifically with the vertical skyline component (VSC). However I have always had issue with this as an absolute method given that this test is undertaken at the centre of a window and on that basis one calculates the figure which will be the figure for any size of room that might be behind that window... VSC is based solely upon geometry so the figure merely calculates the visible area of sky from that point. Given the fact that light into a room, which is after all what one is really trying to test, will be controlled by the room size, the glazed area, the internal and external reflectivity and, of course the amount of sky visible, my feeling is this cannot be the absolute in checking the suitable distribution of light.

In cases therefore where the VSC test may show a loss that may be noticeable I believe that checking the levels of Average Daylight Factor and no sky penetration is relevant."

10.18 Having regard to the advice of all three consultants and the content of the BRE guide to good practice, officers consider that the most appropriate approach to the question of the effect upon daylight to existing buildings is to consider each of the three different methods of assessing how well a room may be lit. VSC and no-sky line are referred to in the BRE guidelines. No-sky line and ADF are referred to in the British Standard, which is itself referred to in the BRE guidelines. Accordingly each method is considered material to assist assessment of the likely impact upon daylighting to existing buildings and whether or not such impact would be noticeable.

10.19 The results of applying the VSC methods to the existing buildings have been referred to in paragraph 10.12. The results of applying the no sky line test to the proposals reveal that eleven rooms in the Chelsea Harbour development would receive more than a 20% loss of direct skylight which the BRE guidelines indicate would be likely to have a serious effect and mean that it would be noticeable to occupiers that more of the room is poorly lit. Specifically these are the ground floor room in numbers 10-16 (even) Admiral Square, the third floor room in

number 18 Admiral Square, all four ground floor rooms in number 33 The Quadrangle, one first floor room in number 36 The Quadrangle and one room at ground floor with a window in the flank elevation of Admiral Court.

10.20 Using ADF methodology and applying the minimum standard specified in the British Standard for daylight to bedrooms, kitchens and living rooms, , one room in Admiral Court would be below the minimum if it is a kitchen (although above the minimum if it is a bedroom or living room). A bedroom in number 41 Carlyle Court would be below the minimum (compared to being absolutely on the minimum if the 1986 scheme were implemented). On the basis of the applicant's consultant's figures which have been used by all three sets of consultants, all other rooms have been assessed as being above the minimum ADF criterion in the British Standard, if the proposed scheme were built.

10.21 In summary, (on the basis of the BRE guidelines) using the VSC methodology, there would be likely to be a serious effect upon: 2-20 (even) Admiral Square and flats 33 and 36 at the north east corner of The Quadrangle. Using the no sky line methodology, there would be likely to be a serious effect on a total of eleven rooms i.e. eight properties within Admiral Square, Admiral Court and The Quadrangle. Applying the minimum ADF criterion in the British Standard, one bedroom in number 41 Carlyle Court would fall below the minimum and it is possible that one room within Admiral Court would fall below the minimum if it is a kitchen. However the daylight to this room would be above the minimum if it is a bedroom or living room.

10.22 On the basis of his analysis the second consultant commissioned by the Council (the third consultant in all) concluded:

"In overall terms I would suggest that there is a balance between noticeable losses and gains for the proposed scheme as compared to the consented scheme. The significant losses are restricted to those 9 rooms in Admiral Square which, on an ADF and no sky basis are hardly changed from the consented scheme, and one bedroom in 41 Carlyle Court.

Whilst undoubtedly a loss of amenity to those individual rooms I do not feel they would themselves warrant refusal of the scheme when taken in balance with the rest of the figures and in the spirit of the original approval."

10.23 Officers have very carefully considered the methods, advocated in the BRE guidelines and British Standard. They have had regard to the reports of all three experts. All this information is material to the assessment of likely impact of the proposals on the daylight to existing proposals and in deciding whether or not that impact is acceptable

- 10.24 The current proposals have sought to address the concerns relating to daylight raised by Scheme 2. The result is that, in the present proposals, buildings have been reduced in height and some buildings have been removed or replaced with buildings of different footprints. The consequence is that there would be a lessening of likely impact on daylight to existing buildings (see paragraph 10.13) as compared to Scheme 2. The likely impact of the proposals is summarised in paragraph 10.21 of this report. Officers consider that it is appropriate to have regard to all three methods of assessment referred to in that paragraph.
- 10.25 Taken overall the evidence indicates that whilst most of the affected properties would suffer a material loss of daylight to one room, only one property, No 33, The Quadrangle would experience a noticeable loss of daylight to all rooms. However, in comparison to the extant permission the reduction in daylight to No 33 The Quadrangle from this proposal would be little different, except for the living room which itself is lit by three windows. Officers consider that whilst there would be some loss of daylight to a number of rooms, this has to be weighed in the balance against the advantages which the proposal would provide overall.
- 10.26 It is considered that daylight levels to rooms within the proposed new dwellings would be satisfactory.
- 10.27 In regard to sunlight the BRE recommendation states that a dwelling will appear reasonably sunlight if a main window wall faces within 90 degrees of due south and receives a quarter of annual probable sunlight hours including at least 5% of annual probable sunlight hours between 21 September and 21 March. As the proposed development is situated north of the east-west line then sunlight to existing dwellings will not be affected by the proposal.
- 10.28 The redesign of the affordable housing block HF3-B by providing dwellings with north and south facing window walls has eliminated the problem evident in Scheme 2, of single aspect north-facing flats not receiving sunlight.
- 10.29 As regards sunlight to the proposed new dwellings, whilst the BRE guidelines suggest that ideally the living room should be the main beneficiary of sunlight this is not always possible. However all the proposed dwellings would receive sufficient sunlight to a main window wall to meet the BRE recommendation.
- 10.30 Sunlight levels which would be received in the proposed open spaces is considered satisfactory although the level within the children's play space which is proposed to be located in the middle of block HFC3 would be lower than other open areas within the scheme.

11.0 OTHER ENVIRONMENTAL EFFECTS

- 11.1 The remaining factor to be considered in the assessment of this application is the impact the proposed development would have in relation to other important environmental matters.

Ecological Impact

- 11.2 Chelsea Creek and its confluence with the River Thames lie within a site identified in the UDP as one of metropolitan importance for nature conservation (M31: The Thames and its tidal tributaries). The designation was recommended by the London Ecology Unit and subsequently endorsed by the Mayor in his Biodiversity Strategy.
- 11.3 The ecological value of the site stems both from its position within a habitat continuum (i.e the whole of the tidal Thames) and, more locally, particularly for its wildlife. Amongst this wildlife are the fish populations and their predators that have been attracted by the warm waters provided in relatively recent times by the cooling water discharges from the Lots Road power station.
- 11.4 There will be significant changes to the ecological interest of Chelsea Creek over time as a result of the decommissioning of the power station. The ambient water temperatures will fall, the scouring action of the water discharges will disappear and silts will gradually accumulate. All of this will change and probably reduce biodiversity. However, significant changes will take place with or without any redevelopment of the site.
- 11.5 The applicant indicates that the present proposals seek to mitigate the loss of the scouring effect within the Creek by attempting to maximise any such effects which arise from the tidal nature of the Thames and the low fresh water flow received into the Creek from the north. Under the proposals the Creek would be narrowed through terracing within the Creek that would contribute to this effect.
- 11.6 In addition to the above concerns it is important that in any development on this site a detailed ecological management plan be prepared and agreed with the Council and the Environment Agency before any works would commence so that the ecology of the Creek can be properly protected and enhanced. This would need to be the subject of a condition if planning permission is granted.

Flood Storage Impact

- 11.7 Revised Consultation draft PPG25: Development and Flood Risk (2001) explains how flood risk should be considered at all stages of the planning process in order to reduce future damage to property and loss of life. The planning system should ensure that new development is safe and not exposed unnecessarily to flooding by considering flood

risk on a catchment-wide basis and, where necessary, across administrative boundaries. Local planning authorities should therefore address the problems caused by flooding by:

- "recognising that the susceptibility of land to flooding is a material planning consideration;
- giving appropriate weight to information on flood-risk and how it might be affected by climate change in preparing development plans and considering individual proposals for development;
- consulting the Environment Agency, which has the lead role in providing advice on flood issues at a strategic level and in relation to planning applications;
- applying the precautionary principle to decision making so that the risk is avoided where possible, and managed elsewhere;
- improving the information available to the public about the risks of locating human activities in areas susceptible to flooding;
- taking into account the responsibility of owners for safeguarding their own property;
- recognising that flood plains and washlands have a natural role as a form of flood defence as well as providing important wildlife habitats and adding to landscape value;
- recognising that engineered flood reduction measures may not always be the appropriate solution, since they can have economic and environmental costs and impacts on the natural and built environment, need maintenance and replacement and cannot eliminate all risk of flooding."

11.8 The applicant has addressed the issue of maintaining the flood storage capacity by providing for lower terraces on the application site, compared with the previous scheme, in proximity to the tower block. The proposed changes would result in no decrease in flood storage capacity as a result of this development

11.9 The continuation of a pumped water flow as proposed by the applicant would reduce the silting up of the creek. The applicant predicts that the creek would completely silt up in 20-30 years without this artificial means of regularly flushing the creek.

Contamination and pollution

11.10 Part of Site B has been subject to contamination due to the activities currently and formerly carried out on the site. The issues raised by its proposed use for residential purposes have been recognised in the site investigation report and a risk assessment submitted as part of the application. However, further site investigation would be necessary following the removal of the existing buildings. Any contaminated land would need to be remediated and validated prior to any development of the site and would be a requirement of a planning condition if planning permission is granted. Appropriate remediation of contamination would

provide a positive impact on this site. Such remediation could be assured by condition if planning permission were granted.

- 11.11 PPG23: Planning and Pollution Control (1994) provides comprehensive advice on the relationship between planning and pollution control. Para 1.19, deals with air quality and states that there are EC directives and regulations governing air quality standards for smoke and sulphur dioxide, lead and nitrogen dioxide. Para 1.13 advises that the planning system should concentrate on whether the development itself is an acceptable use of the land rather than the control of the processes or substances likely to be a source of pollution.
- 11.12 The Council declared the whole borough an Air Quality Management Area (AQMA) in November 2000. Within the AQMA, the aim is to reduce the level of pollution from certain contaminants (nitrogen dioxide and small particles) to below national objective levels by 2004/5. Therefore, proposed developments should be considered in the light of how they would impact on achieving those objectives.
- 11.13 The modelling results produced by the applicant's consultants suggest only minor increases in nitrogen dioxide pollution and no significant increase in small particle levels even under worst case conditions. These are the two particular concerns relating to vehicle emissions. Unlike the assessment carried out prior to consideration of Scheme 2, the latest assessment, carried out in December 2002, has used the most up to date information supplied by the government on vehicle emissions.
- 11.14 Assisted by the information supplied by the applicant, Council officers have been able to assess the likely effects of the development on air pollution. Although the traffic assumptions used by the applicant are considered to be unrealistic, even applying the more likely traffic predictions of the Council likely emissions of nitrogen dioxide and small particles would be acceptable.

Demolition and Construction

- 11.15 Works appear to be sustainable in terms of reuse and recycling of existing materials. The implementation of an Environmental Management Plan would be required to ensure that waste management is adequately addressed.

Archaeological remains

- 11.16 PPG16: Archaeology and Planning (1990) sets out the Government's policy on archaeological remains on land and how they should be preserved or recorded. Para 6 states that:

"Archaeological remains should be seen as a finite, and non-renewable resource, in many cases highly fragile and vulnerable to damage and

destruction , care must be taken to ensure that archaeological remains are not needlessly or thoughtlessly destroyed".

11.17 In situations where planning authorities decide that:-

"physical preservation in situ of archaeological remains is not justified in the circumstances of the case and that the development resulting in the destruction of the archaeological remains should proceed",

then records can be secured by agreements reached between the developer, an archaeologist and the planning authority or by conditions on the planning permission.

Recycling

11.18 Consideration has been given to recycling initiatives including the promotion of recycling through the community web site and the provision of both commercial and residential recycling. Any development would need to consider the provision of an underground recycling facility arising from further discussions with the Council. This could be provided by condition in the event of planning permission being granted.

Resource Use and Sustainability

11.19 The references to sustainability are welcomed but officers consider that more could be done to achieve a greater level of sustainability, eg. specifying installation of the most water-efficient measures/devices rather than just state that design measures will be employed to reduce water consumption. Further information will need to be provided about the proposed scope of the Energy Strategy and this will need to be the subject of a planning condition if planning permission is granted.

Proximity of high buildings to London Heliport

11.20 Pursuant to the objection from the heliport manager, the applicant employed a specialist consultant who has stated that the helicopter operations would be safely contained at the London Heliport when the proposed development is completed. Whilst any airport or heliport would prefer to be sited in an obstacle-free area approved operating procedures recognise the particular obstacle environment of high rise development in major cities.

12.0 Section 106 Agreement

A. Provision of Affordable Housing

- (1) 214 units shall be provided to a registered social landlord (RSL or RSL's) approved by the Council following a RSL selection process to be

agreed with the Council, such process to provide among other matters that the Council can at its sole discretion reject any RSL which is not a joint commissioning partner of the Council. The development shall not commence prior to such agreement being reached. 184 units shall be affordable rented and 30 shall be key worker.

- (2) The total cost to the occupier (rent plus all service charges) of living in any affordable rented unit shall be no more than the sum of

- 2.1 Housing Corporation target rent, plus
- 2.2 Service charge levied by RSL for all internal RSL services (including nominal ground rent and the maintenance and management of the building including the relevant car parking areas) which shall not exceed in total an average of £250 + RPI + 1% per annum per dwelling or £350 + RPI + 1% for any individual dwelling, plus
- 2.3 an estate charge for a proportionate share of estate upkeep to include the gardening and landscaping; external lighting; estate security; insurance; the estate roadways and footpaths; any health and safety costs; general management charges; and a sink fund (for the area immediately surrounding and adjacent to the affordable housing blocks which will be shown on a plan to be agreed by the Council) and any contribution towards maintenance of Creek and basin if applicable; such charges not to exceed in total £3 + RPI + 1% per week per dwelling averaged over all affordable and key worker dwellings, and shall not in any event exceed £4 + RPI + 1% per week for any individual dwelling.

- (3) Construction of any of blocks HF1, 2, 4 or 5 shall not commence until

- 3.1 agreement has been reached between the developer, the RSL/RSLs approved by the Council and the Housing Corporation on the level and amount of public grant subsidy payable by the Housing Corporation for Block HF3A and
- 3.2 a long lease of not less than 99 years has been concluded with the RSL approved by the Council for the transfer of the site of block HF3-A and
- 3.3 an irrevocable contract requiring construction and completion of the affordable and key worker dwellings and their handover to the RSL approved by the Council for letting only on the terms set out in these heads and agreed by the RSL and the Housing Corporation has been concluded between the developer and the approved RSL/RSLs for delivery of all of Block HF3A and

- 3.4 the approved RSL has entered into a Nominations Agreement with the Council (the Council not unreasonably withholding or delaying its agreement to enter into such an agreement).

Nothing in the terms of the lease, contracts and agreements referred to above shall prevent, inhibit or delay availability of any or all of the 52 completed dwellings in HF3-A for first letting by the approved RSL under the terms set out in these heads prior to first occupation of more than 38 units in blocks HF1, 2, 4 and 5.

- (4) Not more than 37 units in any of Blocks HF1, 2, 4 and 5 shall be occupied until

- 4.1 the 52 affordable housing units in Block HF3A have been constructed, completed and made available for occupation and letting by the approved RSL in accordance with the terms of these heads and

- 4.2 agreement has been reached between the developer, the RSL/RSLs and the Housing Corporation on the level and amount of public grant subsidy payable by the Housing Corporation for the delivery of block HF3B and

- 4.3 a long lease of not less than 99 years has been concluded with the RSL approved by the Council for the transfer of the site of block HF3-B and

- 4.4 an irrevocable contract requiring construction and completion of the affordable dwellings and their handover to the RSL approved by the Council for letting only on the terms set out in these heads and agreed by the RSL and the Housing Corporation has been concluded between the developer and the approved RSL/RSLs for delivery of all of Block HF3-B and

- 4.5 the approved RSL has entered into a Nominations Agreement with the Council.

Nothing in the terms of the lease, contracts and agreements referred to above shall prevent, inhibit or delay availability of any or all of the 69 completed dwellings in HF3-B for first letting by the approved RSL under the terms set out in these heads prior to first occupation of more than 87 units in blocks HF1, 2, 4 and 5.

- (5) Not more than 87 units in any of Blocks HF1, 2, 4 and 5 shall be occupied until the 69 affordable housing units in Block HF3-B have been constructed, completed and made available for occupation and

letting by the approved RSL in accordance with the terms of these heads and

- (6) Construction of Blocks HF1 & HF2 shall not commence until
- 6.1 agreement has been reached between the developer, the RSL/RSLs and the Housing Corporation on the level and amount of public grant subsidy payable by the Housing Corporation for the delivery of Block HF3-C and
 - 6.2 a long lease of not less than 99 years has been concluded with the RSL approved by the Council for the transfer of the site of block HF3-C and
 - 6.3 an irrevocable contract requiring construction and completion of the affordable dwellings and their handover to the RSL approved by the Council for letting only on the terms set out in these heads and agreed by the RSL and the Housing Corporation has been concluded between the developer and the approved RSL/RSLs for delivery of all of Block HF3-C and
 - 6.4 the approved RSL has entered into a Nominations Agreement with the Council.

Nothing in the terms of the lease, contracts and agreements referred to above shall prevent, inhibit or delay availability of any or all of the 93 completed dwellings in HF3-C for first letting by the approved RSL under the terms set out in these heads.

- (7) Not more than 50 units in any of Blocks HF1 and HF2 shall be occupied before, at the developer's sole discretion, either the whole of Block HF3-C has been built to top roof slab throughout or not less than 36 of the Affordable Housing Units in Block HF3-C have been made available for occupation and letting by the approved RSL in accordance with the terms of these heads.
- (8) Not more than 75 units in any of Blocks HF1 and HF2 shall be occupied until all 93 affordable housing units comprised in Block HF3C have been constructed, completed and made available for occupation and letting by the approved RSL in accordance with the terms of these heads.
- (9) Any of the periods and numbers of units specified above may be varied where justified and by agreement with the Council (at the Council's sole discretion) provided the principle of expeditious completion and letting of affordable housing units phased in sequence with the availability of market units is not compromised.

- (10) There shall be no onward sale of any RSL interest other than to another RSL approved by the Council (save for an exemption for a mortgagee in possession).
- (11) The total cost to the occupier (rent plus all service charges) of living in any key worker unit shall be no more than the sum of a rent of £100 pw rising by RPI + 1% annually from the date of the Committee plus service charges which shall be as set out in paragraph 2.2 and 2.3 above.
- (12) The key worker housing shall be allocated in accordance with the Council's priorities for nominations for key worker accommodation which are as follows :
 - 1 Key Workers - employed permanently by the following priority employers;
 - (a) Education
 - (b) Social Services
 - (c) Hammersmith Hospital NHS Trust
 - (d) Hammersmith & Fulham PCT
 - (e) H&F Metropolitan Police
 - (f) Probation Service
 - (g) HMP Prison Wormwood Scrubs
 - 2 Key Workers - employed permanently in the Public Sector, Regulated Private Sector and Voluntary Sector
 - 3 Other households living/working in the borough.
Comment: the RSL must have some say in the Key Workers.

B. Public Transport Improvements – Funding for and/or provision of :-

- (1) Increased frequency of C3 bus to 8 buses per hour each way - £650,000 to be paid to LBHF on the commencement of the development in LBHF
- (2) Introduction of Embankment bus service - £1,700,000 to be paid to RBKC on the commencement of the development in RBKC
- (3) Introduction of bus priority measures for C3 and Embankment buses - £50,000 to be paid to RBKC on the commencement of the development in LBHF and a further £50,000 to be paid to RBKC on the commencement of the development in RBKC.
- (4) New bus stops for Embankment and C3 - £15,000 to be paid to LBHF and £75,000 to be paid to RBKC on the commencement of the development in LBHF and a further £90,000 to be paid to RBKC on the commencement of the development in RBKC.
- (5) Upgrading of bus gate under West London line - £50,000 to be paid to LBHF on the commencement of the development in LBHF
- (6) Contribution to Chelsea Harbour station on West London line - £150,000 to be paid to LBHF on the commencement of the development in LBHF and a further £850,000 to be paid to LBHF

- upon request by Strategic Rail Authority for the construction of the new station provided that if the monies are not expended on the station within 8 years of receipt then the monies shall be split equally between LBHF and RBKC and be expended on other public transport improvements and initiatives in the vicinity of and/or to facilitate transport to and from the development, such improvements and initiatives to be agreed between the parties.
- (7) Package of cycle improvements, including crossings, cycle routes, signage etc - £410,000 to be paid in four tranches: £100,000 to LBHF on the commencement of the development in LBHF; £50,000 to LBHF and £60,000 to RBKC on commencement of construction of either Block HF1 or Block HF2; £100,000 to RBKC on the commencement of the development in RBKC and £100,000 to RBKC on commencement of construction of the 201st unit in RBKC.
 - (8) Capital cost of cycle pool to purchase cycles - £90,000 to be expended by developer in four equal tranches:- on the commencement of the development in LBHF; on the commencement of construction of Block HF1 or Block HF2; on the commencement of the development in RBKC; and commencement of construction of the 201st unit in RBKC.
 - (9) Cycle training - £5,000 to be paid to LBHF on the commencement of the development in LBHF and a further £5,000 to be paid to RBKC on the commencement of the development in RBKC.
 - (10) Package of pedestrian safety measures - £200,000 to be paid in four tranches:- £50,000 to LBHF on the commencement of the development in LBHF; £17,000 to LBHF and £33,000 to RBKC on the commencement of construction of Block HF1 or Block HF2; £50,000 to RBKC on the commencement of the development in RBKC and £50,000 to RBKC on commencement of construction of the 201st unit in RBKC.
 - (11) Improved passenger facilities and signage to enhanced river-bus service - £170,000 to be paid to LBHF and £30,000 to RBKC on commencement of construction of Block HF1 or Block HF2.
 - (12) Capital cost of Green Travel Plan of £120,000 to be expended by developer and further on-going costs for life of development in relation to GTP implementation, monitoring & review including the provision of an internet pick-up facility.
 - (13) Capital cost for six school travel plans (3 per borough) - £30,000 to be paid to LBHF and £30,000 to RBKC on commencement of construction of Block HF1 or Block HF2 and a further £30,000 to be paid to LBHF and £30,000 to RBKC on commencement of construction of the 201st unit in RBKC.
 - (14) Introduction of streetscape improvement zone in RBKC - £400,000 to be paid to RBKC on the commencement of the development in RBKC.
 - (15) Introduction of junction improvements in RBKC - £200,000 to be paid to RBKC on the commencement of the development in LBHF.

Note: some of the sums above are for onward transmission to TfL.

- C. Restriction upon residents to park on-street
 - (1) Residents of the development will be prevented from obtaining on-street parking permits issued by the council.
- D. Prevention of use of bus gate
 - (1) No vehicular access by residents of the development or the development in RBKC through the bus gate into Townmead Road
- E. Provision of public open space
 - (1) Completion of riverwalk up to Block HF1 and Riverside Square prior to occupation of 70% of market units in Blocks HF4 and HF5.
 - (2) Completion of entire riverwalk prior to occupation of 70% of market units in Block HF1.
 - (3) Completion of Creekside Gardens and Creekside Walk prior to occupation of 60% of market units in Block HF2.
 - (4) Completion of playspace prior to occupation of 70% of affordable units in Block HF3-C
- F. Provision of a riverwalk
 - (1) Construction of a riverside walk to a specification agreed with the Council of at least an equivalent standard to the council's standard brief and its use by the general public.
- G. Provision of creekside works
 - (1) Completion of creekside works in LBHF involving inter-tidal terraces prior to the occupation of 60% of the market units in Block HF2
 - (2) Inter-tidal terraces in LBHF to be constructed and maintained for the lifetime of the development to a specification agreed by LBHF in consultation with the environment Agency prior to commencement of terrace works.
 - (3) Implementation of a scheme to minimise siltation of Chelsea Creek to the satisfaction of LBHF in consultation with the Environment Agency prior to occupation of 50% of the market units in Block HF1, the details and phasing of such scheme to be agreed by LBHF in consultation with the Environmental Agency. The first phase of the works to minimise siltation shall be implemented and completed prior to the occupation of 70% of Block HF1.
- H. Provision of health and education services
 - (1) Upon the commencement of the development the sum of £350,000 shall be paid to LBHF for the provision and/or enhancement of educational facilities in LBHF within two miles of the application site at the sole discretion of LBHF.

- (2) Prior to first occupation of Block HF2 a residential unit on the ground floor of Block HF2 shall be made available on a temporary basis for use as a doctor's surgery and such facilities shall be retained until such time as a permanent facility is provided at Lots Road Power Station.

I. Provision of an Environmental Management Plan

- (1) Adoption of best practice procedures by appointed contractors and site management in regard to energy and water efficiency, waste minimisation, use of recycled products, dust and noise suppression, visual screening, removal of hazardous materials, construction traffic management, public security and safe working conditions

J. Controls over construction impact

- (1) Applicant to submit a programme of construction work prior to commencement of construction of the development, containing details of measures to protect residents from adverse impacts, also to include liaison and update with local residents, recording of complaints and methods of dealing with these complaints.
- (2) Hours of work: 0800-1800 Mon-Fri and 0800-1300 Sat
- (3) Use of river for materials transportation when appropriate and viable
- (4) Adherence to agreed route for construction traffic
- (5) Implementation of Construction Code of Practice
- (6) No use of public highway for loading/unloading materials
- (7) Travel plan for transportation of construction workers including use of mini-buses

K. TV reception

- (1) Provision and/or funding of works to realign existing antennas (if possible) necessary to remedy any reduction in television reception in the vicinity of the Development.

All S106 payments shall be indexed to RPI + 1% with effect from the committee date.

13.0 CONCLUSION

- 13.1 The redevelopment of this brownfield site, for residential purposes, has much support both in terms of local, regional and national planning policies. However, there are constraints upon the intensity of development which the site can sustain. One of these constraints is that despite its inner urban location near the Wandsworth Bridge Road/Kings Road traffic corridor and the West London Line, the site is not yet adjacent to a major transport node.

- 13.2 Although the majority of the site does not lie within a conservation area a small proportion lies within the Sand End conservation area. The whole site is within the Thames Policy Area of special character. This location is an important factor in assessing development proposals for the site.
- 13.3 The present application has been submitted following public consultation and response in relation to two earlier applications and following extensive discussions between the applicant and Council officers. The applicant has in the present application attempted to address many of the concerns raised in the public consultation exercise and issues highlighted by the Council both informally and within the Council's reasons for refusal of the previous applications.
- 13.4 Many of the concerns have been adequately addressed although officers still have reservations about certain aspects of the scheme. In this context, it is important to weigh up the benefits of the proposals and set them against the concerns that remain.

Site Policy and Land-use

- 13.5 In terms of land use the present proposals very much accord with the site policies within the UDP. This scheme comprises housing, open space and the provision of a riverside walk as demanded by those site policies. Officers consider that the improvements in the present scheme compared with earlier schemes ensure that, in land use terms, the proposals meet not only the requirements of the site policy but also the requirements of other policies in the UDP, regional and national guidance and the aspirations for the proper planning of the area.
- 13.6 In terms of housing, there have been very important and substantial improvements in the mix. There has been a substantial further increase in the quantity of affordable housing as measured in terms of numbers of units and habitable rooms. There has been an increase in the affordable housing taken as a percentage of the whole; this increase is substantial in terms of the units falling within the UDP definition of affordable. There has been a very considerable improvement in the quality of affordable housing units, particularly with the very important and much needed increase in the number of family units. Officers consider that the affordable housing would now contribute substantially to meeting the requirements of the borough.
- 13.7 The open space proposed in the present scheme is considered to be materially better in terms of quality and quantity than was proposed in the previous schemes. Although the private open space provision does not strictly accord with the normal requirements of standard 5A of the UDP, the overall provision of open space is considered by officers to be appropriate for this site in the context of the development proposed and particularly its riverside setting with the excellent Thames views and the

benefit that brings for the amenity of residents, particularly of the towers.

- 13.8 The proposed riverwalk is considered satisfactory. The increased width of the walk as compared to earlier schemes is welcomed and officers consider that the present scheme would fully meet the long standing aspirations for a riverwalk on this site.
- 13.9 The proposed treatment of Chelsea Creek in the present scheme is far more sensitive than earlier proposals. It is the officers' view that this treatment would enhance the creek's status as a nature conservation area and would contribute to the enhancement of the conservation area.

Quantum of Development

- 13.10 Officers recognise that the current proposals are at a level of density which is much higher than that which would normally be approved in accordance with the policies within the adopted UDP. The analysis of the development against the five criteria contained in policy HO7 of the UDP Alterations is undertaken in section 7 of this report and shows that the proposals do meet the relevant criteria albeit to a variable degree.
- 13.11 Both regional and national guidance emphasise the optimum development of brownfield sites and the need for the flexible use and application of limits on residential density levels. The alterations to Policy HO7 were designed to reflect this need for flexibility whilst including criteria which should still be met, so as to meet the borough's and London's need for more housing in an acceptable fashion. It is important that the best use should be made of the brownfield sites suitable for housing developments and where possible residential densities should be increased in appropriate locations. The criteria in HO7 must also be applied flexibly with due and balanced judgement so as not to negate the purpose the policy to facilitate higher residential densities in the locations best able to accommodate their impact. The draft London Plan offers a matrix, contained in table 4B.1, against which to assess density levels. This table suggests density levels far in excess of the adopted UDP standard in appropriate circumstances. The density level of the present proposals fall within the higher ranges of this table as measured locally in accordance with UDP methods although alternative ways of measuring density would produce lower figures, and it should be noted that the London Plan is, naturally, not based on LBHF UDP definitions. Officers consider on balance that the characteristics of this site point to a maximum reasonable density level somewhere in the middle of these higher ranges. This is approximately equivalent to the density level of the present proposals.
- 13.12 In carrying out an assessment against the five criteria within HO7 of the UDP Alterations officers consider that all five criteria are largely met even if some are met more conclusively than others. Some officer concerns remain over the potential impact of block HF1, the thirty-seven

storey tower. This impact is more particularly assessed in section 9 of the report.

13.13 Apart from the reservations still held in relation to the tower, officers consider the layout and design to be considerably better than Scheme 2 and generally acceptable. The open space provision has been enhanced and is regarded as satisfactory. The applicant has recognised the demands that the development would be likely to have on education and health services and has undertaken to commit to a satisfactory contribution to education and the provision of sufficient health services.

13.14 The demand for on-street car parking as a result of the development particularly on public highways in LBHF is considered unlikely to be material and the access of the site for a range of modes, including public transport, cycling and walking is considered to be adequate to justify the scheme at a level of density viewed by officers as likely to be the maximum acceptable. This assessment has been made against the background of a re-assessment of the sites PTAL based on officers' site specific calculations.

Traffic Impact

13.15 The current proposals are at a density level which is well in excess of that normally sought in accordance with the adopted UDP standard. This clearly has some significance in terms of potential traffic impact. Officers consider that the present proposals are at the limits of acceptability in terms of traffic input despite the acknowledged difficulties in assessing traffic impact which is so unpredictable and sensitive to many factors and potential changes in travel patterns, traffic management and peoples' behaviour.

13.16 Material improvements have been incorporated in the proposals as compared to earlier planning applications and reductions in both the number of units and car parking spaces are likely to ensure that the likely level of vehicle trips would be reduced as compared with these earlier proposals.

13.17 The assessment of the likely number of trips has been made against the background of the site specific PTAL assessments. These indicate that the likelihood is that the site would have a PTAL level of 3 prior to occupation of the development with the possibility of a station being constructed in the foreseeable future.

13.18 The reallocation of parking spaces between the private units and the affordable housing units is a significant improvement upon earlier schemes.

13.19 Officers consider that the proposed development would still have some adverse impact upon the highway network when compared to the

status quo (no development of a key brownfield site) and, to a considerably less extent, the extant planning permission. However, officers also recognise that any substantial development of the site would have an adverse traffic impact. It is therefore concluded, on balance, that in traffic terms the proposals are not ideal, may cause some material harm at some times and should therefore be regarded as being at the limits of acceptability.

Impact on Areas of Special Importance

- 13.20 Part of the site, comprising strips along the river frontage and Chelsea Creek frontage, lie within the Sands End Riverside Conservation Area. The whole site lies within the Thames Policy Area of Special Character. Clearly the site's location is an important consideration as is the potential impact of the development on these areas.
- 13.21 Since refusal of Scheme 2, the applicants have sought to address areas of concern raised by the Council in relation to the potential impact of development upon the conservation area and Thames Policy Area. Officers consider that the revised scheme is an improvement in design and layout over Scheme 2. It would more properly respect and continue the existing grain and form of the recent developments in the surrounding townscape, namely Chelsea Harbour and Imperial Wharf. The reduction in the heights of several of the proposed blocks would also mean that the general scale and bulk of the proposed buildings would be more consistent with the adjoining developments.
- 13.22 One of the most significant improvements to the masterplan layout is the recognition and enhancement of the view corridor and axis across the site with its focus on the power station and the proposed Creekside Gardens and walkway. This physical and visual link realises a major urban design opportunity, integrating the site with its surroundings.
- 13.23 The one exception to the general reduction in scale is the proposed tower in LBHF whose height has risen considerably. In the present proposal the relative heights of the two towers in the previous scheme (including redevelopment of the Kensington and Chelsea site) has been switched, moving the taller tower to the centre of the axial view along the river from the east.
- 13.24 Whilst officers remain concerned over the visual impact of the proposed towers it is considered that due regard should be paid to the strong support for the towers from the GLA, CABE and English Heritage following their analysis of the impact of the proposed towers on the riverside.
- 13.25 The towers are only part of the wider redevelopment scheme and the impact of the proposed towers should be viewed in this context. It is considered that the overall development would make a significant contribution to the regeneration of this part of the borough and subject

to suitable detailing (reserved by condition) can enhance the character and appearance of this part of the riverside.

Residential amenity (sunlight and daylight)

- 13.26 As part of the overall assessment of the scheme the residential amenity of the occupiers of neighbouring properties has to be considered. In addition, it is necessary to have regard to the amenity that would be afforded to future occupiers of the development.
- 13.27 Several aspects of residential amenity are addressed in other sections of this report. The effect that the proposed development would have on daylight and sunlight also needs to be considered.
- 13.28 As part of the ES, the applicant submitted a consultant's report which concludes that, whilst the proposed scheme would appreciably reduce light to certain rooms, a reasonable level of daylight and sunlight would remain available to all neighbouring properties and, particularly when compared with the extant permission, the position would often be better.
- 13.29 The Council commissioned two consultant's reports. The first, from the BRE, indicated that a number of windows would receive less daylight than their standard considers satisfactory. Using the vertical sky component method of measurement. The consultant considered the Average Daylight Factor method of measurement as used by the applicant's consultant as an inappropriate measure for assessing daylight loss to existing rooms.
- 13.30 The Council commissioned a second consultant to comment on the best methodology to adopt in making the assessment of whether or not the likely impact upon daylight to existing properties would be acceptable. This consultant indicated that the no sky line methodology was also an appropriate tool.
- 13.31 Based on calculations using all three methods of assessment of daylight, officers consider that there would be a noticeable loss of light to rooms within ten properties in Admiral Square, one property in Admiral Court, two properties in the Quadrangle and one property in Carlyle Court. However only one property, No. 33 The Quadrangle would experience a noticeable loss of light to all rooms, but this loss of light would not be significantly greater than that which the rooms would receive if the extant permission were built.
- 13.32 The overall impact upon daylight into existing properties would be less than the impact from Scheme 2. Officers consider that, although the proposed development would have a noticeable effect on daylight to rooms in the neighbouring Chelsea Harbour development.

- 13.33 In terms of the amenity that would be enjoyed by occupiers of the proposed development there would be breaches of Standard 3.1 and 13.2. However, in the context of the overall development, officers consider that these breaches are not serious and that the amenity of future residents would be adequately safeguarded.

Other Environmental Effects

- 13.34 In terms of other environmental effects other than those summarised earlier in these conclusions, officers consider the scheme to be acceptable.
- 13.35 The reservations in relation to the previous scheme in connection with flood storage and potential air pollution have been addressed. In short, the present proposals would lead to no reduction in flood storage capacity whereas the previous scheme would have done. The ES contains an assessment of the likely effect of the proposed development on air quality. Unlike the assessment submitted with Scheme 2, it uses up to date data on vehicle emissions. Although officers do not accept the applicant's consultant's assumptions on traffic generation, they are satisfied that, by substituting their own more robust assumptions, the likely effects on air quality would be acceptable.

Summary (Conclusion)

- 13.36 It is considered that the proposed development would make a significant contribution to the regeneration of this part of the borough. The proposed land uses accord with the UDP and the UDP Alterations, in particularly with the site policies.
- 13.37 Given the planning history surrounding the consented scheme and the provision already made in the 1980's towards off site affordable housing provision, the scheme would deliver an acceptable mix of private and affordable housing and as such would make a valuable contribution to the housing provision within the borough. The development would enhance Chelsea Creek as a nature conservation area and deliver a riverside walkway and help open up this part of the River Thames to the public.
- 13.38 The density of the development would be high and considerably over the level normally permitted by the standard within the adopted UDP. Arising from the level of density proposed are important issues which have to be weighed in the balance in deciding whether or not to grant planning permission for the proposals.
- 13.39 These considerations include the likely impact of traffic generated by the development upon the highway network. They include the likely impact of the development upon the neighbouring properties in Chelsea Harbour. They include the impact of the proposed tower upon

the setting of the Sands End Riverside Conservation Area and the Thames Policy Area.

13.40 Weighing these considerations in the balance together with all the other matters referred to in this report and the matters highlighted in all the representations made to the Council, officers consider that planning permission should be granted subject to the conditions appearing in this report and following the completion of a satisfactory 106 agreement.

13.41 The Lots Road development has been assessed against the EIA Regulations, National Policy Guidance and the UDP Policies and Standards. The accompanying ES detailed the likely environmental impacts. It is considered that these have been dealt with by the applicants and there will be no adverse environmental impact on the Borough as a result of the development.

Town & Country Planning Act 1990

Royal Borough of Kensington & Chelsea Ref: PP/02/1324

Planning Inspectorate Ref: APP/K5600/A/04/1146268

Appeal by Circadian Limited

Site at Lots Road Power Station & Chelsea Creek, Lots Road, London SW10

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

Pre Inquiry Statement of The Royal Borough of Kensington & Chelsea

1.0 The Appeal Site

- 1.1 The application site within the Royal Borough consists of approximately 1.98ha and is occupied by the Power Station Generating Building, East and West Yards, and the creek & basin. The site excludes the west yard transformer building which has been retained by LUL. This area contains bulk supply equipment which links the Underground system to the national grid. For the purposes of calculating residential density, the site area includes half the width of the adjoining road and half the width of Chelsea Creek. This indicates a residential site area of 2.077 ha (5.13a).
- 1.2 The buildings are unlisted and lie outside any conservation area. The adjacent foreshore of the River Thames lies within the Thames Conservation Area.
- 1.3 The development proposals also include a site within the London Borough of Hammersmith & Fulham which is of approximately 1.7ha and comprises land occupied by the former coal stacking wharf and building on the south side of the creek and an area previously referred to as the 'P&O land, bounded by the river and Chelsea Harbour which was originally intended to form a second phase of that development.

2.0 The Application

- 2.1 The appeal application was received by the Royal Borough on 17th June 2002. The proposal was described as: 'Demolition of a series of buildings currently ancillary to the operation of the Power Station to provide residential accommodation, Class A1 Retail, Class B1, Class D Community Uses and Ancillary Residential uses including Health and Fitness Centre, with works to Chelsea Creek and Chelsea Basin, including the construction of 3 bridges over the creek'. The application was accompanied by an environmental statement and was advertised as a departure from the development plan.
- 2.2 The application was the subject of a report to the Council's Major Planning Applications Committee on 15th September 2003. The applicants sought to address a significant number of planning issues by means of an agreement under Section 106. The agreed draft heads formed part of the report to Committee.
- 2.3 Consideration of the proposal was deferred with a request from Members that additional information and clarification be provided in respect of the following:
 - A) An examination of the transportation implications of the proposal carried out by an independent consultant.
 - B) Additional information on the holding and waiting arrangements for construction vehicles coming to and from the site.
 - C) Additional information on the proposed provision of a medical facility within the development.

- 2.4 The application was subsequently reported to the Major Planning Applications Committee on 28th October 2003. The Committee had before them the report considered on 15th September 2003, including the heads of terms for the proposed s106 agreement, and an addendum report dealing with the matters set out at paragraph 2.2 above. Planning permission was refused for the following reason:

“The proposed development would include a new high building which would significantly exceed the height of existing buildings to the east of Blantyre Street and that of neighbouring buildings. It would consequently represent a departure from Unitary Development Plan Policies CD6 and CD37 and would be harmful to the skyline, important views and surrounding conservation areas by virtue of its height, design and location contrary to Policies CD1, CD25, CD27, CD28 and CD63.”

3.0 Policy Context

- 3.1 In accordance with the provisions of Section 54A of the Town & Country Planning Act 1990 (As amended) the appeal falls to be determined in accordance with the development plan for the area unless material considerations indicate otherwise.
- 3.2 The Unitary Development Plan for The Royal Borough of Kensington & Chelsea was formally adopted on 25th May 2002. The plan contains policies of relevance to the appeal application.
- 3.3 The London Plan, Spatial Development Strategy for greater London was published in February 2004. In terms of its status the London Plan is a material consideration to be taken into account when determining planning applications. It currently does not have the s54A development plan status accorded to the Unitary Development Plan. However, when s 38 of the Planning and Compulsory Purchase Act 2004 comes into force its status will change and The London Plan will become part of the Council's development plan for the purpose of s54A.
- 3.4 The Council will refer to relevant national and local planning policies, including those UDP Policies which are considered to support refusal of planning permission.

4.0 The Council's Case

- 4.1 The Council will demonstrate that the high building forming part of the appeal proposal would, by virtue of its height, be a departure from the Unitary Development Plan. In particular, Policy CD6 which requires, *inter alia*, new development to be no greater than the general height of existing buildings to the east of Blantyre Street, and Policy CD37 which resists new high buildings which would significantly exceed the height of neighbouring buildings and which would harm the skyline.

- 4.2 The Council will demonstrate that the proposed development would be detrimental to the special character and appearance of the River Thames and its foreshore and thus contrary to UDP Policy CD1. It will also affect adversely views from neighbouring conservation areas and from Brompton Cemetery (UDP Policies CD63 and CD25).
- 4.3 The Council will demonstrate that the proposed new high building would be harmful to the character and appearance of the Royal Borough by virtue of its lack of visual integration into its surroundings, contrary to the provisions of UDP Policies CD27 and CD28.
- 5.0 Documents
- 5.1 The following documents may be referred to or put in evidence at the Public Inquiry by the Council:
- a) The Royal Borough of Kensington & Chelsea Unitary Development Plan 2002.
 - b) The London Plan 2004 and associated supplementary planning guidance.
 - c) PPG1
 - d) PPG15
 - d) Contents of file reference PP/02/1324 including correspondence between the Council, the applicants and their agents (Except exempt or confidential material).
 - e) Brompton Cemetery Conservation Area Proposals Statement
 - f) Thames Conservation Area Proposals Statement
 - g) Report to Major Planning Applications Committee 28th October 2003 and addenda.
- 5.2 The Council reserve the right to add to or amend this list.
- 5.3 The above documents may be inspected by contacting the Planning Information Office at the Town Hall, Hornton Street, London W8 7NX on telephone no. 020 7361 2080 and arranging a convenient appointment.

SECTION 106 OBLIGATIONS

There are three Obligations – an agreement between Circadian Ltd, LUL, RBKC and TfL; an agreement between Circadian Ltd, LUL, LBHF and TfL; and an undertaking to LBHF in respect of the affordable housing.

The following table sets out the obligations in the Agreement between Circadian Ltd, LUL, RBKC and TFL

No.	Obligation	FC	Trigger
1	Provisions of allowing for public access to the development		
2	Financial contribution (FC) towards the provision of bus stops along the route of the embankment Bus Service and the C3 bus	£165,000 (to TfL)	£75,000 – Within 7 days of implementation ¹ £90,000 – upon occupation of more than 50% of the units (part of sum available to RBKC if measures carried out on non-GLA roads)
3	A FC towards bus priority measures	£50,000 (to TfL)	Payable within 7 days of implementation (part of sum available to RBKC if measures carried out on non-GLA roads)
4	A FC towards off-street parking	£1,500,000	Payable before occupation of 50% of the Open Market Units (OMU) within the RBKC development
5	The setting aside of 40 car parking spaces for members of the public visiting the development		
6	A FC towards improvements to Chelsea Harbour Pier	£30,000	Payable within 7 days of implementation
7	A FC payable annually for 5 years to pay for public passenger riverbus services between Chelsea Harbour Pier and Embankment Pier	£50,000	Annual payments for a period of 5 years. First payment no later than the occupation of the first unit within RBKC. Subsequent payments to be made annually on anniversary of first payment
8	Controls over the construction of the development to		

¹ Within 7 days of the date of the service of the Implementation Notice for the Royal Borough Development

No.	Obligation	FC	Trigger
	minimize its impact on the local environment		
9	A FC towards cycle improvements	£260,000	£160,000 payable within 7 days of implementation £100,000 payable upon the commencement of the construction of more than 200 units within RBKC
10	A FC towards cycle safety and proficiency training	£5,000	Payable within 7 days of implementation
11	Travel Plan provisions including accommodation for the one site Transport Manager to be appointed and off-street parking for group transport vehicles		
12	A FC towards the setting up and management of a Car Club and Cycle Pool	£45,000	£22,500 payable within 7 days of implementation £22,500 payable upon commencement of the construction of the 201 st unit within RBKC
13	A FC towards School Travel Plans	£60,000	£30,000 payable within 7 days of implementation £30,000 payable upon commencement of the construction of the 201 st unit within RBKC
14	A FC to TfL towards the Embankment Bus Service or other bus route or other public transport improvements	£1,700,000 (to TfL)	Payable upon the earlier of: Occupation of more than 50% of the units within RBKC Within 6 months of completion of Phase 3 within LBHF
15	A FC towards improvements to the Lots Road/Cremorne Road Junction	£200,000	Payable within 7 days of the date of the service of the Implementation Notice for the LBHF Development
16	A FC towards streetscape improvement works	£400,000	£100,000 payable within 7 days of implementation £300,000 to be paid within 18 months of the date of implementation
17	A FC towards pedestrian measures	£133,000	£83,000 payable within 7 days of implementation £50,000 payable upon commencement of the

No.	Obligation	FC	Trigger
			construction of the 201 st unit within RBKC
18	The provision of a community facility intended to be occupied by the Ashburnham Community Association		Not less than 445sqm net internal floorspace within Building KC3, or other such unit not less than 445 sq.m elsewhere within the RBKC development, to provide D1(b) or D1(g)
19	A FC towards sports facilities	£1,000,000	Payable prior to the occupation of more than 50% of the OMU within RBKC
20	A FC towards the provision of and/or enhancement of education facilities	£2,000,000	Payable before the Occupation of more than 25% of the OMU within RBKC
21	A FC towards improvements to Westfield Park	£400,000	Payable before the occupation of than 50% of the OMU within RBKC
22	Local recruitment for a proportion of construction jobs in the development		
23	Affordable housing provisions		
24	Implementation of a Management Agreement between English Heritage, Circadian and Circadian (CH) Ltd in respect of the existing power station		
25	Works to Chelsea Creek and maintenance of the Creek in accordance with a Management Plan		
26	A FC towards public art	£100,000	Payable within 7 days of implementation
27	The offering of two B1 units within the development at a subsidized rental level for a period of 3 years from completion of the units		
28	Adherence to design quality standards		
29	Submission and Compliance with an Environmental Management Plan		
30	The utilization of money not spent on the new station at Imperial Wharf on the West London Line for alternative transportation measures		If after 8 years from the date upon which the West London Line Contribution First Payment of £150,000 was made and if after a period of 8

No.	Obligation	FC	Trigger
			years from the date that the West London Line Contribution Second Payment of £850,000 was made both under the LBHF Section 106 Agreement the whole or any part of such payments remain unexpended at the end of those respective periods they shall be divided equally between RBKC and LBHF and expended on alternative transportation measures reasonably related to and of similar mitigation effect upon the transportation impact of the Development and which are of benefit to residents within the development
31	Removal of rubbish, graffiti and fly-posters		
32	The publicisation of the transportation and recreational benefits of the River Thames		
	FC TOTAL	£8,098,000	

Appendix I- Lots Road Section 106 Heads (Draft)

The detailed provisions set out below have been agreed in principle by the applicants as the basis of the undertaking. In addition to various restrictions and provisions, the draft heads set out the applicants' commitment to a package of transportation measures consisting of payments totalling £5.56 million and a package of community benefits consisting of payments to the value of £5.1 million. The transportation payments relate to the development 'as a whole' including the Hammersmith and Fulham site. Elements of these payments are consequently committed to the adjoining borough and would be secured by way of their separate Section 106 agreement. Payments committed to LBH&F are therefore italicised and bracketed for information but would not form part of the agreement between the developer and this authority. The sum total of transportation payments committed to the Royal Borough in the current draft is therefore £3.348 million and the total sum committed to the Royal Borough is therefore £8.448 million.

General Principles

- i. All payments herein shall be made to The Royal Borough of Kensington and Chelsea unless indicated otherwise.
- ii. Interest on any financial contributions will be retained by the recipient and used for the specified purposes.
- iii. All financial contributions shall be index linked (To RPI+1%) from the earlier of the date of signing of the Section.106 agreement or the date six months from that of the Committee Resolution to grant planning permission for the proposal unless agreed otherwise.
- iv. Implementation of the planning permission excludes demolition of ancillary buildings and decommissioning/decontamination of the power station.
- v. Save where otherwise specified, any contributions (or parts thereof) not expended by the recipient within 8 years of receipt on the purposes for which the contribution was provided (or for such other similar purpose and for such additional period beyond 8 years as may be agreed in writing by the parties) shall be refunded to the developer together with any interest accrued thereon.

A. Environmental Improvements

1. A contribution, payable by the developer on implementation of the planning permission, of £200,000 to fund implementation of improvements to the Lots Road/Cremorne Road Junction including a signal maintenance agreement.
2. A contribution of £400,000 – 25% payable by the developer on implementation of the planning permission and 75% payable 18 months from the date of implementation (Unless agreed otherwise) to fund implementation of a streetscape improvement zone approved by the Council in the 'Lots Road Triangle' to include pavement treatments, street trees and other street scene improvements.

3. A contribution, payable by the developer of £260,000 to fund implementation of cycling measures including 'Toucan' crossings, cycle routes and cycle parking in connection with routes beginning in the vicinity of the development. The contribution to be paid in two tranches: £160,000 on implementation of the planning permission or earlier at the discretion of the developer; and £100,000 on commencement of construction of the 201st unit in RBKC.
(A contribution of £150,000 will also be paid to LBH&F making a total of £410,000)
4. A contribution, payable by the developer of £133,000 to fund implementation of improved pedestrian facilities in the vicinity of the development including signage, street lighting and other environmental improvements. The contribution is to be paid in two tranches: £83,000 on implementation of the planning permission, and £50,000 on commencement of construction of the 201st unit in RBKC.
(A contribution of £67,000 will also be paid to LBH&F making a total of £200,000)

B. Public Transport

5. A contribution of £1,700,000 on occupation of 50% of residential units within the RBKC development to subsidise a new bus route from Sands End to Westminster via the Embankment.
(A contribution of £650,000 will also be paid to LBH&F to subsidise extension of the C3 bus service making a total of £2,350,000)
6. New bus stops for Embankment and C3 - £75,000 to be paid on implementation of the planning permission, and a further £90,000 on occupation of 50% of residential units in RBKC.
(A contribution of £15,000 will also be paid to LBH&F making a total of £180,000)
7. An annual contribution of £50,000 for a period of 5 years, to support an upgraded riverboat passenger service running from Chelsea Harbour Pier to Embankment via intermediate piers during peak hours. The initial payment to be made on first occupation of any residential unit within the development and subsequent payments on April 1st in each successive year.
8. A contribution of £30,000 on implementation of the planning permission, towards the upgrade of passenger facilities and access to Chelsea Harbour Pier. Improvement works will be subject to agreement with Chelsea Harbour Ltd and the developer will use best endeavours to obtain all necessary consents. The contribution to be retained by the recipient and used for other river transport measures if works are not carried out within 8 years of commencement of development.
(A contribution of £170,000 will also be paid to LBH&F making a total of £200,000)
9. A contribution of £100,000 to fund bus priority measures including upgrading of the Townmead Road bus gate on implementation of the planning permission in RBKC.
(A contribution of £50,000 will also be paid to LBH&F making a total of £150,000)

a management regime approved by the Council, to include charges and maximum stay period. This to include evening use by restaurant customers.

E. Construction Traffic

16. Use of river transport for such proportion of materials and construction traffic to accord with details to be approved by the Council prior to implementation of the planning permission.
17. Implementation of a plan, approved by the Council prior to implementation of the planning permission, for routing and times of construction and demolition road traffic.
18. Implementation of measures, approved by the Council prior to implementation of the planning permission, to ensure construction staff travel to and from the site by public transport and to prevent parking for private cars belonging to employees or contractors on any part of the site during demolition or construction.

F. Affordable Housing

66% of the affordable rented, shared ownership and entry level housing shall be completed and available for occupation prior to occupation of more than 50% of the private housing units within the RBKC site.

The remaining affordable rented, shared ownership and entry level housing shall be completed and available for occupation prior to occupation of more than 90% of the private housing units within the RBKC site.

19. Provision, in partnership with and through transfer to, a registered social landlord, of 105 affordable units of residential accommodation for rent as shown on the approved plans. The total cost to occupier of living in any affordable rented unit shall be Housing Corporation target rent inclusive of any service charge levied by the RSL, ~~plus External service and estate charges which~~ *contributed by the RSL to the freeholder*
at respect
a) *In the case of units within KC2 shall not exceed in total* £1260 *per annum per dwelling index linked.* £560
b) *In the case of units within KC4 shall not exceed in total* £817 *per annum per dwelling index linked.*
n.b no estate charge will be payable in respect of KC4 which lies outside the common park of the development
20. Provision, in partnership with, and through transfer to, a registered social landlord, of 39 residential units as shown on the approved plans to be sold/occupied on a shared ownership basis to persons from the Common Housing Register. The total cost to occupier of living in the rented element of any shared ownership unit shall be the equivalent proportion of Housing Corporation target rent inclusive of any service charge levied by the RSL. External service and estate charges shall not exceed in total ~~£1258~~ *£678* per annum per dwelling index linked.
21. Provision of 22 units of low cost 'entry level' residential accommodation for sale to persons in housing need who are registered on the Council's Common Housing Register and are employed as teachers, nurses, bus drivers, police officers, paramedics

and fire fighters and such other occupations as may be nominated as key workers from time to time by the Council.

21.1 Qualifying purchasers would be eligible to purchase 'entry level' housing units as follows:

- a) Each of the twelve studio units at three and a half times the average income for Greater London plus a deposit of 10% at the date of sale. Service, estate and ground rent charges shall not exceed in total £1518 per annum per dwelling index linked.
- b) Each of the ten one and two bedroom units (Assuming joint purchase by two persons) at five times the average income for Greater London plus a deposit of 10% at the date of sale. Service, estate and ground rent charges shall not exceed in total £1518 per annum per dwelling index linked.

21.2 The onward sale of any 'entry level' housing units shall be solely to qualifying purchasers as follows:

- a) Any of the twelve studio units at three and a half times the average income for Greater London plus a deposit of 10% at the date of sale. Service, estate and ground rent charges shall not exceed £1518 per annum per dwelling index linked from the date of the first purchase.
- b) Any of the ten one and two bedroom units (Assuming joint purchase by two persons) at five times the average income for Greater London plus a deposit of 10% at the date of sale. Service, estate and ground rent charges shall not exceed in total £1518 per annum per dwelling index linked from the date of the first purchase.

22. All RSL affordable units within the development shall be constructed in accordance with Housing Corporation scheme development standards.

22.1 Reasonable charges for the parking spaces designated for affordable, shared ownership and 'entry level' units shall be agreed with the Council prior to occupation.

G. Remediation and Environmental Management

23. Implementation of a remediation strategy in respect of land contamination, approved by the Council prior to implementation of the planning permission, and presentation of a validation report confirming removal of all contamination which presents a risk to be approved in writing by the Executive Director, Planning & Conservation prior to occupation of any part of the development. The Developers' Environmental Consultant to set up a reporting procedure with the Council to include on-site meetings as required throughout the duration of the remediation works and to provide monthly progress reports to the Council. The strategy to include measures for immediate notification of the Council and remediation in the event of any previously unforeseen contamination being identified during site investigation and risk assessment. Additional funding for appointment by the Council for independent

expert advice during the implementation of the remedial works in the event of unforeseen circumstances.

24. Implementation of an environmental management plan, approved by the Council prior to implementation of the planning permission, throughout the life of the development. Provision of a public telephone number and office space for an on-site liaison officer to provide an advertised point of contact for the Council and members of the public from commencement of remedial works until completion of the development.

H. Chelsea Creek

25. Not to implement the planning permission until the freehold interest in Chelsea Creek has been acquired by the Developer together with all future maintenance liabilities thereof, or a licence obtained from the Council as landowner for the carrying out of the proposed works to the creek (Such licence not to be unreasonably withheld).
26. Implementation, and maintenance for the life of the development, of an environmental management plan approved by the Council for the watercourse and associated wildlife habitats.
27. Implementation prior to substantial completion of the development, of a programme of works approved by the Council, to any parts of the Chelsea Creek watercourse remaining outside the Developers' ownership necessary in conjunction with the approved environmental management plan.

I. Community Facilities

28. Provision, on first occupation of any accommodation in KC3 of premises within the development comprising 445 square metres net internal floorspace, to accommodate the Ashburnham Community Association at a rent, and with index linked service and estate management charges approved by the Council.
29. A contribution of £100,000 on completion of a rental agreement with the Ashburnham Community Association, to fund fitting out of the Community Association premises.
30. The ground floor unit of 131sqm identified as a Doctors' Surgery on plan no. LRTW4/PA/05-004-A (or such other area of 131sqm as may be agreed with the Council) to be used solely as a General Practitioners' surgery serving NHS patients and falling within Use Class D1(a) unless otherwise approved in writing by the Executive Director, Planning & Conservation. The occupier of the surgery shall be responsible for the rent for the unit and any service charges and estate management charges.

J. Education Facilities

31. On occupation of 25% of the private units in RBKC, a contribution of £2,000,000 to fund improved secondary and/or primary education facilities in the vicinity of the development.

K. Thames Path and Community Safety

32. Provision and maintenance by the developer of a section of Thames Path providing a designated route with unobstructed public access from Chelsea Harbour via a new bridge to Lots Road through the plaza on the former east yard within one month of substantial completion of the development. Provision for subsequent linkage to a future Thames Path section across the adjacent Cremorne Wharf site when this route becomes physically available through construction or redevelopment.
33. Provision on substantial completion of the development of a CCTV system and a scheme of lighting approved by the Council for the publicly accessible areas of the development.
34. The developer undertakes to secure prompt removal of graffiti, fly-posting and rubbish from any publicly accessible areas within the site to standards approved by the Council.

L. Westfield Park

35. Prior to occupation of 50% of the private units in RBKC, a contribution of £400,000 to fund improvements to Westfield Park to include landscaping, tree planting and provision of equipment.

M. Sports Facilities

36. Prior to occupation of 50% of the private units in RBKC, a contribution of £1,000,000 towards funding the provision of public sports facilities in the vicinity of the development.

N. Employment

37. Provision of an on-site construction training scheme to include
- An on-site recruitment facility for trainees
 - An agreed number of training weeks
 - Funding (To be agreed) for the construction training programme (including trainee placement and support).
 - Trainee wages as in the Working Rule Agreement
 - Best endeavours to obtain 20% of the workforce from the local area (West London)
38. Allocation on substantial completion of the development of two (Identified) Class B1 units at ground floor level or such other area within the development of equivalent size as may be agreed by The Council to be offered at 50% of market rent for a period of 3 years to tenants approved by the Council to assist small business start-ups for local people. The occupiers shall be responsible for any service charges and estate management charges which, based on floorspace, shall not exceed those relating to any other Class B1 units on the ground floor of the development. (Or such other equivalent arrangement as shall be agreed in writing between the parties).

O. Public Art

39. On implementation of the planning permission, a contribution of £100,000 for the provision of (a) public work(s) of art in location(s) approved by the Council in the vicinity of the development.

10. *(A contribution of £1,000,000 will be paid to LBH&F towards provision of a railway station on the West London Line consisting of £150,000 for design and enabling work on the commencement of the development in LBHF and a further £850,000 upon request by Strategic Rail Authority for the construction of the new station)*

If the monies are not expended on the station within 8 years of commencement of the development then the contribution shall be split equally between LBHF and RBKC and be expended on other public transport improvements and initiatives in the vicinity of and/or to facilitate transport to and from the development, such improvements and initiatives to be agreed between all the parties.

C. Transport Co-ordination

11. Prior to first occupation of any residential accommodation within the development, to appoint and retain a full-time on-site transport manager and fund the operation of an intranet site providing up-to-date public transport information for residents in the development and the locality for a minimum period of 15 years.
12. The ground floor unit identified as Transport Management Office on plan no. LRTW4/PA/05-004-A (or such other area as may be agreed with the Council) to be available on first occupation of any residential accommodation within the RBKC site for a minimum period of 15 years as a reception point/waiting area for group transport pick-up. Provision of a designated off-street waiting area approved by the Council, easily accessible from this facility, for group transport vehicles.
13. A contribution of £60,000 to fund the development of school travel plans at local schools. £30,000 to be paid on implementation of the planning permission, and a further £30,000 on commencement of construction of the 201st unit in RBKC.
(A contribution of £60,000 will also be paid to LBH&F making a total of £120,000)
- 13.1 A contribution of £5,000 for the provision of cycle training to be paid on implementation of the planning permission.
(A contribution of £5,000 will also be paid to LBH&F making a total of £10,000)
- 13.2 A contribution of £45,000 to fund Car Club provision and the purchase cost of pool cycles - £22,500 on implementation of the planning permission, and £22,500 on commencement of construction of the 201st unit in RBKC.
(A contribution of £45,000 will also be paid to LBH&F making a total of £90,000)
- 13.3 Implementation of a Green Travel Plan for a 10 year period in accordance with details to be approved by the Council prior to implementation of the planning permission. GTP implementation to include biennial monitoring & review.

D. Car Parking

14. Prior to occupation of 50% of the private units in RBKC, a contribution of £1,500,000 to fund the provision of additional off street parking in the Lots Road Area.
15. Provision of 36 car parking spaces within the development for public and car pool use to replace on street bays lost to bus route improvements on Lots Road, such spaces to be provided prior to the street bays being lost. The bays to operate in accordance with

Appendix 3

Density calculations for 2004 scheme

APPENDIX 3

RESIDENTIAL DENSITY OF PROPOSED 2004 SCHEME

THE SITE

	RBKC	LBHF	TOTAL SITE
Site Area (Incl. Creek)	2.08 ha	2.50 ha	4.58 ha
Site Area (Excl. Creek)	1.53	2.07	3.60
No. Units	420	382	802
No. Habitable Rooms	1301	1252	2553

RESIDENTIAL DENSITY

	RBKC	LBHF	TOTAL SITE
Units / ha (Incl. Creek)	202	153	175
Units ha (Excl. Creek)	275	185	223
Hab Rooms / ha (Inc. Creek	651	485	557
Hab Rooms / ha (Excl Creek)	850	605	709

Comparison between 2002/03 Planning Applications and October 2004 Amended Schemes

PLANNING APPLICATION - 2002/3

LBHF Private Units

LBHF	studio	1 bed	2 bed	3 bed	4bed	5 bed	6 bed	Totals
HF1 Private	0	13	25	35	0	1	1	75
HF2 Private	0	6	7	3	2			18
HF4 Private	0	7	35	8	0			50
HF5 Private	0	4	11	18	5			38
Total	0	30	78	64	7	1	1	181
Total %	0%	17%	43%	35%	4%	0.6%	0.6%	
Cumulative %	0.0%	17%	60%	95%	99%	99%	100%	

LBHF Affordable Units

LBHF	studio	1 bed	2 bed	3 bed	4bed	5 bed	6 bed	Totals
HF3a - Intermediate		30						30
HF3a/b/c - RSL	1	39	79	49	12	4	0	184
Total	1	69	79	49	12	4	0	214
Total %	0.5%	32%	37%	23%	6%	2%	0.0%	
Cumulative %	0.5%	33%	70%	93%	98%	100%	100%	

LBHF Private	181	46%
LBHF Affordable	214	54%
LBHF Total	395	

APPEAL/CALL IN PLANNING APPLICATION - 2004

LBHF	studio	1 bed	2 bed	3 bed	4bed	5 bed	6 bed	Totals
HF1 Private	0	13	25	35	1	1	1	76
HF2	0	0	0	0	0	0	0	0
HF4 Private	0	7	35	8	0	0	0	50
HF5 Private	0	4	22	17	0	0	0	43
Total	0	24	82	60	1	1	1	169
Total %	0%	14%	49%	36%	1%	0.6%	0.6%	-12
Cumulative %	0.0%	14%	63%	98%	99%	99%	100%	

LBHF	studio	1 bed	2 bed	3 bed	4bed	5 bed	6 bed	Totals
HF3a - RSL Rent	0	10		10	0	0	0	20
HF3 a/b/c - RSL Rent	1	26	79	31	16	4	0	157
HF2 - Intermediate	0	32		4	0	0	0	36
Total	1	68	79	45	16	4	0	213
Total %	0.5%	32%	37%	21%	8%	2%	0%	-1
Cumulative %	0.5%	32%	69%	91%	98%	100%	100%	

LBHF Private	169	44%
LBHF Affordable	213	56%
LBHF Total	382	

Comparison between 2002/03 Planning Applications and October 2004 Amended Schemes

SUMMARY OVERALL ACROSS RBKC & LBHF

Private Units

Planning 2002	studio	1 bed	2 bed	3 bed	4bed/PH	5 bed	6 bed	Totals
Total Private	0	38	203	169	21	2	2	435
Total %	0.0%	9%	47%	39%	5%	0.5%	0.5%	
Cumulative %	0.0%	8.7%	55.4%	94.3%	99.1%	99.5%	100.0%	

Planning 2004	studio	1 bed	2 bed	3 bed	4bed	5 bed	6 bed	Totals
Total Private	0	63	202	130	25	2	2	424
Total %	0.0%	15%	48%	31%	6%	0.5%	0.5%	-11
Cumulative %	0.0%	14.9%	62.5%	93.2%	99.1%	99.5%	100.0%	

Affordable Units

Planning 2002	studio	1 bed	2 bed	3 bed	4bed	5 bed	6 bed	Totals
Total RSL Rent	1	58	120	77	29	4	0	289
Total Intermediate	23	46	17	5	0	0	0	91
Total	24	104	137	82	29	4	0	380
Total %	0.3%	20%	42%	27%	10.0%	1.4%	0.0%	
Cumulative %	0.3%	20.4%	61.9%	88.6%	98.6%	100.0%	100.0%	

Planning 2004	studio	1 bed	2 bed	3 bed	4bed	5 bed	6 bed	Totals
Total RSL Rent	1	49	140	60	21	4	0	275
Total Intermediate	0	79	20	4	0	0	0	103
Total	1	128	160	64	21	4	0	378
Total %	0.4%	18%	51%	22%	7.6%	1.5%	0.0%	-2
Cumulative %	0.4%	18.2%	69.1%	90.9%	98.5%	100.0%	100.0%	

SUMMARY OVERALL ACROSS RBKC & LBHF

Total Number of Units

Planning 2002	studio	1 bed	2 bed	3 bed	4bed	5 bed	6 bed	Totals
Scheme Total	24	142	340	251	50	6	2	815
% of Total	3%	17%	42%	31%	6%	0.7%	0.2%	
Cumulative %	2.9%	20.4%	62.1%	92.9%	99.0%	99.8%	100.0%	

Planning 2004	studio	1 bed	2 bed	3 bed	4bed	5 bed	6 bed	Totals
Scheme Total	1	191	362	194	46	6	2	802
% of Total	0.1%	24%	45%	24%	6%	0.7%	0.2%	-13
Cumulative %	0.1%	23.9%	69.1%	93.3%	99.0%	99.8%	100.0%	

Planning 2002	LBHF hab rooms	RBKC hab rooms
	1249	1452

Planning 2002	Private	Affordable	Total
	435	380	815
	53.4%	46.6%	

Planning 2004	LBHF hab rooms	RBKC hab rooms
	1301	

Planning 2004	Private	Affordable	Total
	424	378	802
	52.9%	47.1%	