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**ROYAL BOROUGH OF  
KENSINGTON AND  
CHELSEA**

**DOCUMENT TYPE**

COUNCIL CASE 4

**PLANNING APPLICATIONS**

**PUBLIC INQUIRY**

PP/02/01324

# **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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Lots Road Public Inquiry  
Circadian Limited

APP/H5390/V/04/1148781  
APP/K5600/A/04/1146268

# ADDLESHAW GODDARD

Our reference EVAND/YAMAS/321385-1

26 March 2004

For the attention of Mr Christopher Bedford  
Government Office for London Planning  
Ninth Floor  
River Walk House  
157-161 Millbank  
London SW1P 4RR

**BY HAND**

Dear Sir

**Town & Country Planning Act 1990**  
**Town & Country Planning (Development Plans and Consultation) (Departures) Directions 1999**  
**("Direction")**  
**Land Adjacent to the South Side of Chelsea Creek, Chelsea Harbour Drive, Chelsea Harbour,**  
**London SW10 ("Application Site")**  
**London Borough of Hammersmith & Fulham ("LBHF") Planning Application Reference**  
**2002/03132/FUL ("Application")**

We act for Circadian Limited, the Applicant in relation to the above matter. We understand that you are now the Case Officer in respect of the Application.

On 18th July 2003, following reference of the Application to the Government Office pursuant to the Direction the Government Office issued an Article 14 Direction under the Town & Country Planning (General Development Procedure) Order 1995, directing LBHF not to grant planning permission.

Consistent with the Article 14 Direction the Government Office has no doubt been continuing its consideration as to whether or not the Application should be called-in for determination by the First Secretary of State.

On 13th November 2003 the Royal Borough of Kensington & Chelsea Council ("RBKC") refused planning permission for development on the site immediately joining the Application site. The planning application refused by RBKC comprised significant residential mixed use and other development, designed by the leading architect, Sir Terry Farrell, who also designed the development within the LBHF Application.

Subsequent to the unexpected refusal by RBKC, we note that the Mayor of London wrote to the First Secretary of State not only re-stating his support for the Application but also urging that the First Secretary of State should not call-in the Application but allow LBHF to determine it. Correspondence was also received by the Government Office from English Heritage similarly restating its support for the Application and expressing sentiments similar to those expressed by the Mayor. We also note that Messrs Montague Evans, Planning Consultants retained by our Client, wrote to the Government Office on a number of occasions suggesting that the Application need not be called in by the First Secretary of State and could validly be determined by LBHF, notwithstanding the RBKC Refusal.

We have considered all of this correspondence very carefully and whilst the support for our Client's proposals is welcomed, as a matter of law it is not considered possible for the Application to be determined favourably other than in conjunction with the refused RBKC Application. Indeed, in this regard we would mention that not only are aspects of our Client's proposals mutually dependent geographically and in the provision of certain facilities benefiting each planning authority area, but one

Environmental Statement was submitted for what was in fact a single comprehensive development proposal, albeit located within both LBHF, and RBKC.

In view of this situation and also consequent upon our today submitting an appeal to the Planning Inspectorate against the refusal of RBKC, we would now be obliged if the Government Office would call-in the Application in order that it may be determined by the First Secretary of State.

For your information we enclose a copy of our letter of even date to the Planning Inspectorate.

In view of the fact that our Client has exercised its right of appeal it is clearly in the public interest that the entirety of its development proposals should be determined by the First Secretary of State, not only for legal reasons in respect of the geographical extent and nature of the development but also for reasons of fairness and efficiency for all parties.

We would therefore be obliged if the First Secretary of State would exercise his discretion to call in the Application at the earliest opportunity and we look forward to hearing from you accordingly.

Yours faithfully

Direct line      020 7880 5789  
Email            douglas.evans@addleshawgoddard.com

Copy to           Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol  
                      Mr N Palace, Director, Planning Department, LBHF  
                      Mr M French, Chief Planning Officer, RBKC

# CD 40

Lots Road Public Inquiry  
Circadian Limited

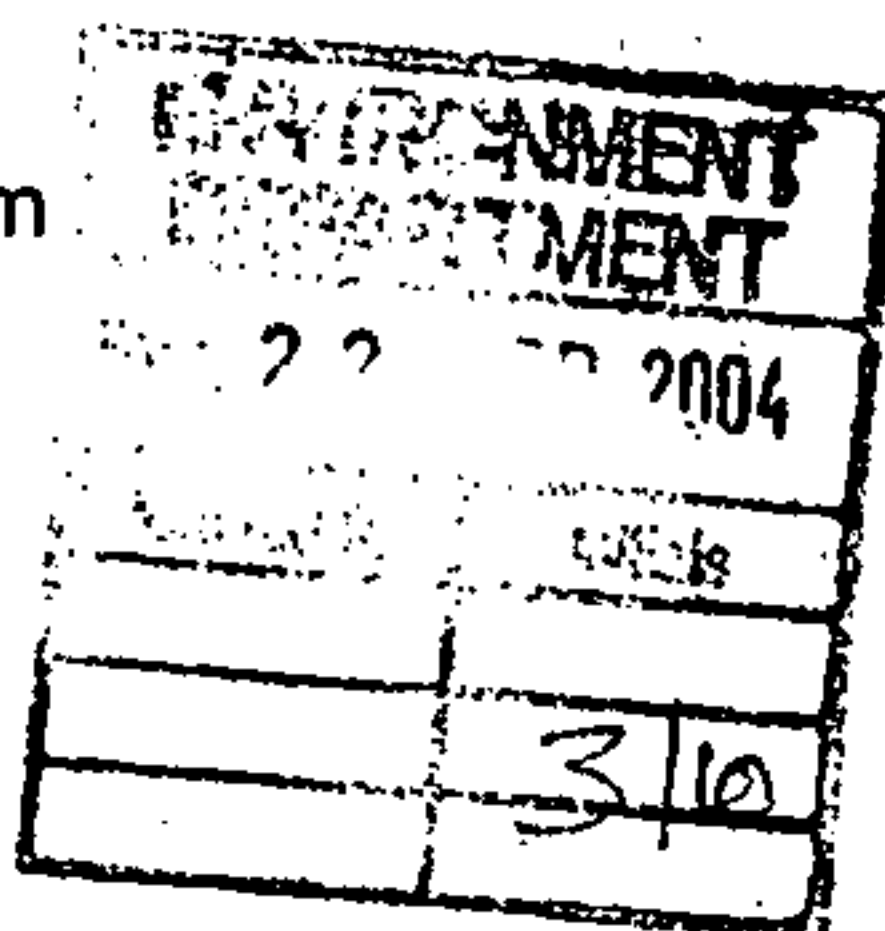
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APP/K5600/A/04/1146268



GOVERNMENT OFFICE  
FOR LONDON

Mr Paul Entwistle  
Group Leader  
Specialist Planning Services  
Development Control  
London Borough of Hammersmith & Fulham  
Town Hall,  
King Street,  
Hammersmith,  
London W6 9JU

Your ref: 2002/03132/FUL  
Our ref: LRP 213/H5390/0/26



Planning  
Division  
9<sup>th</sup> Floor

Riverwalk House  
157-161 Millbank  
London SW1P 4RR

Tel: 0207 217 3079  
Fax: 0207 217 3517  
Date: 19 April 2004

Dear Sir

**TOWN AND COUNTRY PLANNING ACT 1990  
TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER  
1995  
TOWN AND COUNTRY PLANNING (DEVELOPMENT PLANS AND CONSULTATION)  
(DEPARTURES) DIRECTION 1999  
TOWN AND COUNTRY PLANNING (INQUIRIES PROCEDURE) (ENGLAND) RULES 2000  
SITE – LAND ADJACENT TO THE SOUTH SIDE OF CHELSEA CREEK, CHELSEA  
HARBOUR DRIVE, CHELSEA HARBOUR, LONDON SW10.**

1. I am directed by the first Secretary of State to refer to your letter of 8 July 2003 and previous correspondence enclosing copies of the application made by Circadian Limited for full planning permission for the following development of the above land:-

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.- 2002/03132/FUL.

2. The Secretary of State's policy on call-in is set out in Richard Caborn's statement of 16<sup>th</sup> June 1999 in reply to a Parliamentary Question tabled by Mr Bill Mitchie MP. His policy is to be very selective about calling in planning applications. He will, in general, only take this step if planning issues of more than local importance are involved. Having regard to this policy, the Secretary of State is of the opinion that the application is one that he ought to decide himself because he considers that the proposals could have significant effects beyond their immediate locality and may conflict with national and regional policies on important matters. The Secretary of State accordingly directs, under his powers in section 77 of the 1990 Act, that the application shall be referred to him instead of being dealt with by the Council.



INVESTOR IN PEOPLE



3. To consider all the relevant aspects of the proposed development, the Secretary of State has decided to hold a local inquiry. For the purposes of the 2000 Rules, this letter is the "relevant notice" that an inquiry is to be held and the date of this letter is the "starting date". All the arrangements for holding the inquiry will be made by the Planning Inspectorate in Bristol. They will write to you within the next few days to let you know the name and telephone number of the case officer who will handle the matter. Meanwhile the original application, together with any plans and other documents accompanying them which have not already been supplied to this Office (including any related certificates and correspondence), should now be sent to the following address:-

The Planning Inspectorate  
3/17 Eagle Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

For the attention of Mrs Hazel Conibere - her telephone number is 0117 372 8918 (fax 0117 372 8181).

4. On the information so far available, the following are matters about which the Secretary of State, particularly wishes to be informed for the purposes of his consideration of the application:-

- a) The relationship of the proposed development to the relevant policies and provisions of the adopted London Borough of Hammersmith and Fulham UDP.
- b) The relationship of the proposed development to the relevant policies and provisions of the London Plan, in particular those concerning development affecting the Thames.
- c) Whether the proposal is in accordance with national policy contained in PPG 3 (Housing) in relation to questions of land use and the re-use of previously developed land, density, the desirability of facilitating a mix of land uses, the quality of the residential environment and the need to create mixed communities through the inclusion of affordable housing.
- d) Whether the proposal is in accordance with national policy contained in PPG13 "Transport", particularly with regard to:
  - i) the impact of the proposal on traffic generation and overall travel patterns having regard to the desirability of achieving development that minimises the need to travel, particularly by private car;
  - ii) the effect and adequacy of the proposed improvements to public transport
  - iii) the impact of the development on traffic congestion in the local area;
  - iv) the proposed level of car parking.
- e) Whether the proposal is in accordance with national policy contained in PPG17 "Planning for Open Space, Sport and Recreation" and whether an adequate assessment has

been carried out of the existing and future needs of the community for open space, sports and recreational facilities, justifying the scale of development proposed.

- f) Whether the proposal is in accordance with national policy contained in PPG1 "General Policy and Principles", particularly in relation to design and urban design (as defined in paragraph 14 of PPG1).
- g) Whether the proposal is in accordance with national policy contained in PPG15 "Planning and the Historic Environment", insofar as it affects the Sands End Conservation Area.
- h) Whether the proposal is in accordance with national policy contained in PPG9 "Nature Conservation"

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

- j) Whether any permission should be subject to conditions and, if so, the form they should take.
- k) Any other relevant material planning considerations

This is to be taken as the Secretary of State's statement under rule 6 (12) of the 2000 rules.

5. In accordance with Rule 6 (1) and (2), the local planning authority shall ensure that two copies of a statement of case are received by the Secretary of State and one copy has been received by any statutory party as defined in rule 2 within six weeks of the starting date (unless the Planning Inspectorate notifies you otherwise). Your attention is drawn to rule 6 (11). The Secretary of State will comply with rule 6 (4).

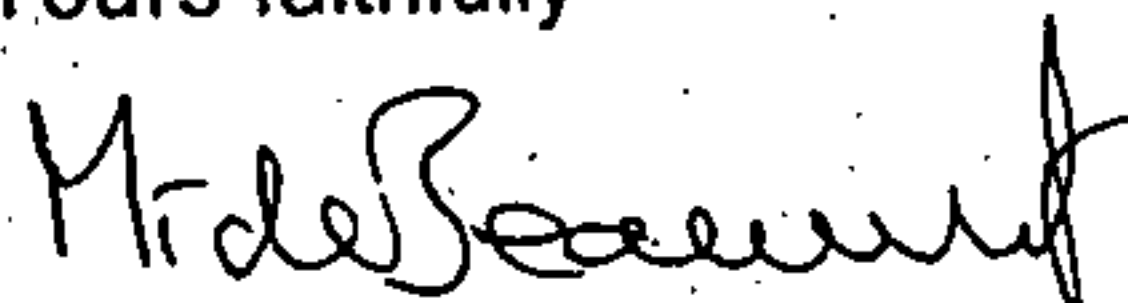
The statement of case should contain the full particulars of the case which you propose to put forward at the inquiry and a list of any documents to which you intend to refer or put in as evidence. If you are proposing to give evidence, or call another person to give evidence, at the inquiry by reading a written statement (i.e. proof of evidence), your attention is drawn to rule 13.

7. Your attention is also drawn to the provisions in rule 14 of the 2000 Rules that the local planning authority and the applicant shall together prepare an agreed statement of common ground and ensure that a copy is received by the Secretary of State and by any statutory party not less than 4 weeks before the inquiry opens.

8. In pursuance of Article 14 of the 1995 Order, the Secretary of State hereby directs the Council not to grant planning permission for any development which is the same kind as that which is the subject of the application referred to above any land which forms part of, or includes, the site to which the application relates until the Secretary of State has issued his decision on that application.

9. Although a copy of this letter has been sent to the applicant's agents, your attention is drawn to Article 18 of the 1995 Order. This requires the Council to serve on the applicant notice of the terms of, and the reasons for, the section 77 direction.

Yours faithfully

A handwritten signature in dark ink, appearing to read 'Mide Beaumont'. The signature is fluid and cursive, with the first name 'Mide' being more prominent and the last name 'Beaumont' following in a similar style.

Mide Beaumont  
Government Office for London