

PP/02/01324	Lots Road Power Station And Chelsea Creek 1- 41
PP/02/01324	Lots Road Power Station And Chelsea Creek 2- 41
PP/02/01324	Lots Road Power Station And Chelsea Creek 3- 41
PP/02/01324	Lots Road Power Station And Chelsea Creek 4- 41
PP/02/01324	Lots Road Power Station And Chelsea Creek 5- 41
PP/02/01324	Lots Road Power Station And Chelsea Creek 6- 41
PP/02/01324	Lots Road Power Station And Chelsea Creek 7- 41
PP/02/01324	Lots Road Power Station And Chelsea Creek 8- 41
PP/02/01324	Lots Road Power Station And Chelsea Creek 9- 41
PP/02/01324	Lots Road Power Station And Chelsea Creek 10- 41
PP/02/01324	Lots Road Power Station And Chelsea Creek 11- 41
PP/02/01324	Lots Road Power Station And Chelsea Creek 12- 41
PP/02/01324	Lots Road Power Station And Chelsea Creek 13- 41
PP/02/01324	Lots Road Power Station And Chelsea Creek 14- 41
PP/02/01324	Lots Road Power Station And Chelsea Creek 15- 41

**ROYAL BOROUGH OF
KENSINGTON AND
CHELSEA**

DOCUMENT TYPE

COUNCIL CASE 5

PLANNING APPLICATIONS

PUBLIC INQUIRY

PP/02/01324

A/AS/P

**PROOF OF EVIDENCE
OF
ALAN J SIMMONDS BSc (Est. Man) FRICS**

CIRCADIAN LIMITED

AND

LONDON BOROUGH OF HAMMERSMITH & FULHAM

AND

ROYAL BOROUGH OF KENSINGTON AND CHELSEA

**LAND AT LOTS ROAD POWER STATION AND THAMES AVENUE,
LONDON SW10**

**PINS REFERENCE: APP/K5600/A/04/1146268
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CONTENTS	PAGE NO.
1.0 QUALIFICATIONS AND EXPERIENCE	1
2.0 INTRODUCTION AND SCOPE OF EVIDENCE	2 - 8
3.0 BRIEF DESCRIPTION OF 'THE SITE'	9 - 10
4.0 THE CIRCADIAN PROPOSALS	11- 15
5.0 THE PLANNING BENEFITS AND ADVANTAGES OF THE PROPOSED DEVELOPMENT	16 - 18
6.0 RELEVANT PLANNING HISTORY AND CIRCADIAN'S 'FALL-BACK' POSITION	19 - 21
7.0 RELEVANT PLANNING POLICIES	22
8.0 CALL-IN ISSUE (a) - RELATIONSHIP OF THE PROPOSED DEVELOPMENT TO POLICIES OF THE ADOPTED LONDON BOROUGH OF HAMMERSMITH AND FULHAM UDP	23- 38
8.1 Site Specific Policies	
8.2 Environment	
8.3 Housing	
9.0 CALL-IN ISSUE (b) - RELATIONSHIP OF THE PROPOSED DEVELOPMENT TO THE RELEVANT POLICIES AND PROVISIONS OF THE LONDON PLAN IN PARTICULAR THOSE CONCERNED WITH DEVELOPMENT AFFECTING THE THAMES	39 - 49
9.1 Section 2A - The Overall Strategy	
9.2 Section 3A - Living in London	
9.3 Section 3D - Enjoying London	
9.4 Section 3C - Connecting London - improving travel in London	
9.5 Section 4B - Designs on London	
9.6 Section 4C - The Blue Ribbon Network	
10.0 CALL-IN ISSUE (c) -WHETHER THE PROPOSAL IS IN ACCORDANCE WITH PPG3 (HOUSING)	50 -53
11.0 CALL-IN ISSUE (d) - WHETHER THE PROPOSAL IS IN ACCORDANCE WITH PPG13 (TRANSPORT)	54
12.0 CALL-IN ISSUE (e) - WHETHER THE PROPOSAL IS IN ACCORDANCE WITH PPG17 (PLANNING FOR OPEN SPACE, SPORT AND RECREATION)	55 -58
13.0 CALL-IN ISSUE (f) - WHETHER THE PROPOSAL IS IN ACCORDANCE WITH PPG1 (GENERAL POLICIES AND PRINCIPLES)	59 - 67
14.0 CALL-IN ISSUE (g) - WHETHER THE PROPOSAL IS IN ACCORDANCE WITH PPG15 (PLANNING AND THE HISTORIC ENVIRONMENT)	68 - 69
15.0 CALL-IN ISSUE (h) - WHETHER THE PROPOSAL IS IN ACCORDANCE WITH PPG9 (NATURE CONSERVATION)	70

16.0	CALL-IN ISSUE (i) – RELATIONSHIP WITH THE PROPOSED DEVELOPMENT TO THE RELEVANT POLICIES AND PROVISIONS OF THE ADOPTED UDP FOR THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA	71 – 86
16.1	Site Specific Policy	
16.2	Housing	
16.3	Conservation and Development	
16.4	Offices and Industry	
16.5	Social and Community Uses	
16.6	Leisure and Recreation	
16.7	Shopping	
17.0	WHETHER ANY PERMISSION SHOULD BE SUBJECT TO CONDITIONS	87
18.0	ANY OTHER RELEVANT MATERIAL PLANNING CONSIDERATIONS	88
19.0	SUMMARY AND CONCLUSIONS	89 – 97
20.0	DECLARATION	98

APPENDICES

1. A synopsis of relevant planning policies.
2. Comparison between 2002/03 planning applications and October 2004 amended scheme
3. Density calculations for 2004 scheme
4. CABE letter, dated 19 November 2001, to Terry Farrell & Partners
5. CABE letter, dated 8 August 2002, to LBHF
6. CABE letter dated 13 December 2002, to Terry Farrell & Partners
7. English Heritage letter, dated 27 June 2001, to Montagu Evans
English Heritage News Release dated 27 June 2001
8. English Heritage letter, dated 12 August 2002, to LBHF
9. English Heritage letter, dated 19 March 2003, to RBKC
10. Report from David Parker of Pioneer Property Services Limited

1.0 - QUALIFICATIONS AND EXPERIENCE

- 1.1 My name is Alan John Simmonds. I am a Bachelor of Science in Estate Management of the University of London, and a Fellow of the Royal Institution of Chartered Surveyors. I was elected a Professional Associate of the RICS in 1970, and became a Fellow in 1982. I am a former Member of the RICS Planning Skills Panel and the RICS Town Centre Management Committee. I am now a Member of the RICS Faculties for Dispute Resolution, Planning and Development, and Commercial Property.
- 1.2 I am a Consultant with the firm DP9, Planning Consultants, Cassini House, 57-59 St James's Street, London, SW1A 1LD. This is a newly formed planning consultancy practice, established in April 2004.
- 1.3 Until 31 October 2004, I was a Partner with the firm of Montagu Evans, Chartered Surveyors and Town Planning Consultants, 44-48 Dover Street, London, W1, also with offices in Edinburgh and Glasgow. In total I had over thirty years' experience with Montagu Evans, becoming an Associate of the firm in 1975 and joining the Partnership in 1982. Whilst a Partner I had joint responsibility for the firm's Planning and Development Department.
- 1.4 I have obtained other experience with the Town Planning Department of the London Borough of Bromley, and with the firms of Healey & Baker, the Shankland Cox Partnership and Grant and Partners.
- 1.5 In total, I have had thirty-five years' experience in advising on town planning matters of all kinds in various parts of the country, including all types of commercial and residential development, as well as matters relating to other large-scale proposals. I have been retained or acted regularly for many companies working in the field of property-related development, as well as for a number of local planning authorities.
- 1.6 For all my professional career I have been based in Central London, and, therefore, I have a working knowledge and experience of major development proposals within London generally. In recent years I have personally been involved with a number of major development projects. I was the principal planning witness at the public inquiry in October 2001, on behalf of the Heron Corporation, in respect of a proposal for a 37-storey office tower at 110 Bishopsgate, EC3 following which planning permission was granted by the First Secretary of State. Other major projects at which I have appeared as the planning witness include a 20-storey residential tower at Hopton Street SE1, adjacent to the Tate Modern, and the development of an 11-storey office building adjacent to the Shell building, County Hall and the London Eye on the South Bank at Waterloo. Both of these schemes were also granted planning permission by the First Secretary of State.

2.0 INTRODUCTION AND SCOPE OF EVIDENCE

2.1 I appear at this Inquiry in support of two full planning applications submitted by Circadian Limited, hereinafter referred to as Circadian, a joint venture partnership formed between Taylor Woodrow Capital Developments and Hutchison Whampoa Property. The applications relate to one site within the administrative boundary of the London Borough of Hammersmith and Fulham (LBHF), subsequently referred to as the 'LBHF Site', and a site within the Royal Borough of Kensington and Chelsea (RBKC), referred to as the 'RBKC Site'. The application to LBHF was submitted on 12 December 2002 (under reference 2002/03132/FUL), and the application to RBKC on the 6 June 2002 (under reference PP/02/01324). Although, as matter of necessity, two separate planning applications were submitted, the proposals in both applications relate to each other, and are intended to represent comprehensive development as a single scheme. For convenience, I refer throughout my evidence to 'The Site', which comprises both the 'LBHF Site' and 'RBKC Site'.

2.2 The two applications were accompanied by a single Environmental Statement prepared to meet the requirements of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. On 3 March 2003 amendments to the Environmental Statement were submitted concerning transport sensitivity testing, air quality testing and river transport, together with revised drawings in respect of proposals for Chelsea Creek.

2.3 The planning application submitted to LBHF proposed the following development:

"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."

2.4 The application was formally considered at a meeting of the Planning Applications Committee of LBHF on 25 June 2003, which considered a report by the Director of Environment (CD35) with the recommendation that planning permission be granted, subject to conditions, and the completion of a Section 106 obligation. The Committee resolved that planning permission be granted, subject to the conditions, and the completion of a Section 106 obligation on the terms as set out in the Committee report.

2.5 I would point out that the positive recommendation of the Director of Environment to the Planning Applications Committee on 25 June 2003 followed a long period of discussion with officers, Members of the Council, and consultation with the public by Circadian in formulating proposals for 'The Site'. Two previous planning applications had been submitted to LBHF, one on 8 June 2001, and the other on 6 June 2002, both of which were the subject of refusals of planning permission, further details of which are provided in the **Statement of Common Ground (SCG) (CD11)** at Section 3.

2.6 Further information on the consultation process undertaken by Circadian is provided in the evidence of Sir Terry Farrell at Section 2.4 of his evidence. In brief, Circadian appointed a full time communications manager in July 2000 to liaise with the local residential and business communities and non-statutory bodies. Five comprehensive newsletters were published, and four public exhibitions held between January 2001 and July 2002, to inform local residents of the progress of the scheme, and to invite their suggestions and comments in order that they could be assessed and incorporated into the scheme wherever appropriate.

2.7 Following the issue of an Article 14 Direction on the 18 July 2003 (CD36), the First Secretary of State, on 19 April 2004, called in the application for his own determination under Section 77 of the Town and Country Planning Act 1990, and at paragraph 4 of the call-in letter indicated that he wished to be informed on the following matters:

- a) *The relationship with the proposed development with the relevant policies and provisions of the adopted London Borough of Hammersmith & Fulham UDP.*
- b) *The relationship with the proposed development to the relevant policies and provisions of the London Plan, in particular those concerned with the development affecting the Thames.*
- c) *Whether the proposal is in accordance with national policy contained in PPG3 (Housing) in relation to questions of land use and the reuse 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 local travel patterns having regard to the desirability of achieving development that minimises the need to travel, particularly by private car;*
 - ii) *The affect 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 on 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", in so far as it affects the Sands End Conservation Area.*
- h) *Whether the proposal is in accordance with national policy contained in PPG9 "Nature and Conservation".*
- i) *The relationship between the development The RBKC Site and proposals for the adjoining land in the Royal Borough of Kensington & Chelsea, including any relevant provisions of the adopted UDP for the Royal Borough of Kensington & Chelsea.*
- j) *Whether any permission should be subject to conditions and, if so, the form they should take.*
- k) *Any other relevant material planning considerations."*

2.8 The application submitted to RBKC proposed the following development:

"Demolition of a series of buildings currently ancillary to the operation of the Power Station conversion of the Power Station to provide residential, retail, office, business, community and restaurant uses, together with the erection of a 25 storey residential tower with ground floor gym, a 3-8 storey building incorporating commercial residential and nursery uses, a 9-storey residential building, associated car parking servicing and landscaping and works to Chelsea Creek and Chelsea Basin including 3 pedestrian bridges."

2.9 The application was formally referred to a meeting of the Major Planning Applications Committee of the RBKC on 15 September 2003, with the recommendation of the Executive Director (Planning and Conservation) that planning permission be granted, subject to conditions and the completion of a Section 106 obligation to deal with the matters set out at section 9.0 of the Committee report (CD19).

2.10 The application was deferred from that Committee meeting 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 vicinity in the development."*

2.11 An Addendum Report of the Executive Director (Planning and Conservation) (CD21) was taken to a meeting of the Major Planning Applications Committee on 28 October 2003 dealing with further information relating to items (A), (B) and (C) above, again with the recommendation that planning be granted. However, the Committee, against the advice of the Executive Director (Planning and Conservation), resolved to refuse planning permission, as recorded in the minutes of that meeting (CD22). The decision notice, dated 13 November 2003 (CD25), stated the following reason for refusal:

"The proposed development would include a new building which would significantly exceed the height of existing buildings to the east of Blantyre Street and that of neighbouring buildings. Consequently, this would represent a departure from the 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."

2.12 An informative was attached to the decision notice stating that a number of relevant policies of the Unitary Development Plan had been used in the determination of the case, and the policies listed were:

"STRAT9, 10, 11, 12, 13, 20, 22, 23, 25, 26, 27, 28, 29, 30, 31, 32, 34, 44, 46, 47, 48, 49, 50, 52, CD1, 2, 5, 6, 7, 13, 14, 15, 16, 25, 27, 28, 33, 36, 37, 63, 92, H12, 23, TR1, 2, 3, 4, 5, 6, 8, 9, 12, 13, 14, 15, 16, 17, 23, 24, 27, 31, 32, 33, 34, 35, 36, 37, 38, 41, 42, 44, E1, 5, 11, 20, 23, 25, 27, LR2, 13, 19, 26, 36, PU3, 4, SC4 and 6."

2.13 It is plain that RBKC, acting as the local planning authority, in refusing planning permission on the grounds restricted to the policies referred to in the decision notice, had fully taken into account all other relevant policies of the UDP, as referred to in the informative. Therefore, it is reasonably to be inferred that the proposed development is not considered to be in conflict with any of those policies referred to in the informative. This appears to be confirmed by RBKC in its Pre-Inquiry Statement, at Section 4.0, under the heading 'The Council's Case', wherein it is stated that the Council's opposition to the Circadian proposals is restricted to the following matters:

- (i) At paragraph 4.1, a conflict with **Policy CD6** insofar as the proposed high building on the 'RBKC Site', by virtue of its proposed height being greater than the general height of existing buildings to the east of Blantyre Street, and a conflict with **Policy CD37** insofar as it is alleged that the proposed tall building would harm the skyline.
- (ii) At paragraph 4.2 it is contended that the proposed development would be detrimental to the special character and appearance of the River Thames and its foreshore and thus contrary to **Policy CD1**. Conflict is also alleged with **Policies CD63** and **CD25** where it is contended that the proposals would adversely affect views from neighbouring conservation areas and from the Brompton Cemetery.

----- (iii) --- At paragraph 4.3, it is alleged that the proposed new high-building would be harmful to the character and appearance of the Royal Borough, contrary to Policies CD27 and CD28.

2.14 A similar consultation process to that undertaken with LBHF was also conducted with officers and Members of RBKC, and public interest groups. Earlier planning applications had also been submitted to RBKC in June 2001 and June 2002, which were also subject to refusals of planning permission as described at Section 3 of the SCG (CD11).

2.15 An appeal was lodged on 26 March 2004.

2.16 By letter of 25 October 2004 (CD27) to the Government Office for London, the solicitors acting on behalf of the Applicants and Appellants (Circadian), invited the First Secretary of State to accept a number of minor amendments to the applications. It was explained in that letter that these amendments have been made principally to ensure that the scheme is fully satisfactory in terms of daylight and sunlight. Included in the amendments are minor alterations to the siting of Block HF3A, to address the concerns of the Environment Agency, as well as minor alterations to the red line plan for the planning applications submitted to clarify land ownership against that originally submitted in 2002. The letter also invited the First Secretary of State to issue a request under Regulation 19 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 for further information to update the Environmental Statement in support of the applications submitted.

2.17 A complete list of the minor changes to the plans is appended at Schedules 1 and 2 of the letter of 25 October 2004 (CD27), and consequent upon the minor changes outlined at Schedule 1, the development description for both applications is proposed to be amended as follows:

Amended description of development of application 2002/03132/FUL (LBHF) as follows:

“Demolition of buildings ancillary to the Lots Road Power Station, provision of 401 residential units by means of the erection of a residential tower with a ground floor gymnasium and six other buildings, together with car parking spaces, cycle parking, children’s playspace; servicing and landscaping, and associated works to Chelsea Creek and Chelsea Basin, including the construction of the three pedestrian bridges over the Creek”

Amended description of development of application PP/02/01324 (RBKC) as follows:

“Demolition of parts of the former power station; provision of a total of 420 residential units by means of conversion power station building to include residential units, retail, business, community, doctors surgery and restaurants; erection of a residential tower with ground floor gym; erection of two residential buildings (one to incorporate a nursery and business uses); car parking spaces; cycle parking, servicing and landscaping, and works to Chelsea Creek and Chelsea Basin, including the construction of three bridges over the Creek.”

2.18 Following the pre-inquiry meeting which took place on 8 November 2004, the Planning Inspectorate issued a note of the pre-inquiry meeting (CD9) in which it was confirmed (at Section 4 of the note) that the Inspector’s views on the application descriptions referred to in the letter of 25 October 2004 (CD27) were as follows:

“... the Inspector’s view was that application descriptions that were clearer and simpler were to be welcomed and that, simply from the drawings, the amendments to the two schemes appeared to him minor. He wished, however, to have the amended descriptions place prominently in a proof of

evidence or other inquiry document and to have schedules of the precise drawings on which planning permission should be granted on both schemes, where the Secretary of State to be so minded."

- 2.19 It was also confirmed by the Inspector, as recorded in the pre-inquiry meeting note at Section 4.0, that he would recommend to the First Secretary of State that a request be made under Regulation 19 for an *Updated Environmental Statement* to reflect the amendments made to the applications. Such a request was informally made by the First Secretary of State, by letter 22 November 2004 (CD28), and the *Updated Environmental Statement* was formally submitted on 22 November 2004 (CD54). The First Secretary of State also confirmed in his letter that he agreed with the Inspector that the amendments to the applications submitted under cover of the letter dated 25 October 2004 (CD27) did not "*constitute any material change to the principles underlying the scheme and considers that it would be a positive step to accept those amendments to the scheme for purposes of the inquiry in February 2005.*"
- 2.20 On 1 December 2004, the solicitors acting for Circadian wrote to both LBHF (CD44) and RBKC (CD29) providing clarification on a number of matters following the submission of the amended application, by letter dated 25 October 2004 (CD27) and the position with regard to the Section 106 obligation referred to at the pre-inquiry meeting. In respect of LBHF, the letter advises that the Section 106 Schedule circulated by Circadian at the pre-inquiry meeting should now be considered as withdrawn, and confirms that Circadian is prepared to provide a planning obligation reflecting the Heads of Terms contained in the Officer's report considered by Members on 25 June 2003 (CD35). For RBKC, a similar undertaking was given in the letter, namely that Circadian is prepared to provide a planning obligation reflecting the Heads of Terms contained in the Addendum Report considered by the Major Planning Applications Committee on 28 October 2003 (CD21).
- 2.21 The letters of 1 December 2004 (CD44 and CD29) also provided, for the avoidance of doubt, schedules setting out the current mix of units within both applications, consistent with the amended plans submitted on 25 October 2004, and accepted by the First Secretary of State by letter of 22 November 2004 (CD28). The schedules identify the number of units and housing mix proposed in the planning applications submitted in 2002/03, and compares those figures to the proposals now before the First Secretary of State in the form of the October 2004 amendments. In summary, the changes are as follows:
- (i) LBHF
- There is a change proposed in the total number of units, which is reduced from 395 to 382.
 - The number of private units reduces from 181 to 169, and the number of affordable units from 214 to 213.
 - The split between private and affordable housing changes from 46% private/54% affordable, to 44% private/56% affordable.
 - With regard to the proposed affordable units there are some minor changes in the housing mix.
 - The number of habitable rooms increases marginally from 1,249 to 1,252.
- (ii) RBKC
- There is no change in the total number of units to be provided for which remains at 420.
 - There is a very minor change in that the number of private units proposed increases from 254 to 255, and the number of affordable units decreases from 166 to 165.
 - The split between private and affordable housing changes from 60.5% private/39.5% affordable to 60.7% private/39.3% affordable.

- With regard to 165 affordable units there are changes proposed to the housing mix, with the deletion of the original 23 studio units, and an increase in one bed and two bed units, and a decrease in three bed and four bed units.
- The number of habitable rooms decreases from 1,452 to 1,301.

(iii) LBHF and RBKC ('THE SITE')

- In total the number of units proposed decreases from 815 to 802.
- The number of private housing units decreases from 435 to 424, and the number of affordable housing units decreases from 380 to 378.
- The split between private and affordable housing changes from 53.4% private/46.6% affordable to 52.9% private/47.1% affordable.
- The number of habitable rooms decreases from 2,701 to 2,553.

2.22 My evidence takes the following form.

2.23 In section 3.0, I briefly describe both the call-in application site ('LBHF Site'), and the appeal site ('RBKC Site'), as both planning applications comprise a single scheme. The original Environmental Statement, which has been replaced by the *Updated Environmental Statement*, which accompanies both planning applications, assesses the likely significant environmental impacts of the proposed development as a whole. The two applications and their respective sites are bound together by the Section 106 obligation that is offered to the respective local planning authorities, which, in practice, means that neither application can proceed without the other. As recorded in the Inspector's pre-inquiry note (CD9), at paragraph 3, as a matter of law, it is not open to the First Secretary of State to grant planning permission for EIA development not subject to an Environmental Statement of its own, and, therefore, in practical and legal terms, the two applications represent a single scheme.

2.24 At Section 4.0, I set out a brief description of the main elements of the Circadian proposals for a mixed use integrated and comprehensive development scheme for 'The Site'.

2.25 At section 5.0 I take the opportunity to identify at an early stage of my evidence the planning benefits which I consider will arise from the proposed comprehensive development of 'The Site', and the advantages of comprehensive development as compared to the 'fall-back' position.

2.26 In section 6.0 I consider the previous planning history of the site insofar as it is relevant to consider the 'fall-back' position of Circadian in the event that planning permission is not granted for the applications before this Inquiry. I also explain as to what is meant by the 'fall-back' position, but, in short, it is an option which is reasonably likely to be taken up by Circadian in the event that planning permission is refused by the First Secretary of State. A full planning history of 'The Site' is given at section 3.0 in the SCG (CD11).

2.27 At section 7.0 I undertake a review of the principal general planning policies which are most relevant to a consideration of the proposals. This section of my evidence does not comprise a comprehensive analysis of all relevant policies, and I do not examine each and every policy which is germane to the Circadian proposals. However, I do identify those policies which are subject to consideration in my evidence. All policies relevant to the proposed development are identified at section 5.0 of the SCG (CD11).

2.28 At Sections 8.0 to 18.0 of my evidence, I consider in turn those matters referred to by the Secretary of State in his call-in letter dated 19 April 2004 (CD40). The issues identified in the call-in letter also subsume consideration of the grounds of refusal referred to in the decision notice issued by RBKC on 13 November 2003, and, in particular, at paragraph 4(i) of the call-in letter which refers to the relationship of the development proposals and the provisions of the adopted UDP for RBKC.

2.29 A summary of my evidence and conclusions are set out at section 19.0.

3.0 BRIEF DESCRIPTION OF 'THE SITE'

- 3.1 A full description of 'The Site' and surrounding area is provided at section 2.0 of the SCG. However, for the purposes of my evidence I draw attention to the following matters.
- 3.2 'The Site' as a whole comprises 4.58 ha to include Chelsea Creek. The 'RBKC Site' has an area of 2.08 hectares, to include the Chelsea Creek. The 'LBHF Site' has an area of 2.50 ha, to include the Creek. The Creek and its basin, which separates the 'LBHF Site' and the 'RBKC Site', has an area of 0.98 ha. The local authority boundary between Kensington and Chelsea and Hammersmith and Fulham runs along the middle of the Creek. The boundaries of 'The Site' and its general location within the Chelsea area are shown on the drawings at **CD1**.
- 3.3 'The Site', is bounded by:
- Lots Road to the north with a mix of two and three storey residential properties, commercial units and workshops beyond. Other uses on Lots Road include the Heatherley School of Fine Art, Ashburnham Community Centre and Ashburnham Adventure Playground, the 606 jazz club and Lots Road Pub and Dining Room;
 - the SITA Waste Transfer Station to the northeast with Thames Water Pumping Station and Cremorne Wharf beyond;
 - the River Thames to the east; and
 - Chelsea Harbour, a residential and commercial development to the west and south.
- 3.4 The development site excludes the exiting Bulk Supply Point within the West Yard. This yard is located between the West Yard pump house and main generating hall.
- 3.5 On the 'RBKC Site' are a number of buildings comprising the Lots Road Power Station which was originally constructed by the Underground Electric Railway Company of London, between 1902 and 1905 to serve the underground network at that time. It was commissioned in late 1905, and ceased operating in November 2002. London Underground Limited now obtain their electricity needs from the National Grid. This is achieved by using a number of electricity transformers across London, including the purpose built bulk supply point located immediately west of the generating hall and adjacent to the western boundary of the 'RBKC Site'.
- 3.6 The main Power Station generating hall which comprises a boiler house and parallel turbine hall, the roof of which rises to approximately 40m in height, with two 85 m high chimneys. The Power Station originally had four chimneys, of which two have been part demolished to roof level. Ancillary to the turbine hall is a pump house, car park, office building with laboratory facilities, stores and workshops. The site is accessed from Lots Road, with fuel to power the turbines originally having been delivered from the Creek.
- 3.7 The Power Station whilst operating took a substantial amount of water from the Thames, which was then heated and discharged back into the Creek. This has prevented the Creek from silting up and has also produced an unusual ecology for this part of the Thames.
- 3.8 The Power Station building is neither listed nor within a conservation area.

- 3.9 The 'LBHF Site' is currently vacant with the exception of a large bulk oil storage building, natural gas compressor equipment, areas of hard standing and managed grass land and scrub habitat.
- 3.10 'The Site' is completely inaccessible to the public at the present time.
- 3.11 The surrounding wider area is dominated by residential properties, in particular Chelsea Harbour to the west and properties on Upcerne Road, Uverdale Road, Tadema Road and Lots Road, heading northwest, as well as a number of small businesses including antique dealers, auctioneers and designers to the west.
- 3.12 The character of the area is continuing to evolve with the regeneration of Chelsea Harbour and a large scale residential, retail and employment development at Imperial Wharf, located to the west of the West London Railway line adjacent to Chelsea Harbour.
- 3.13 Overall, 'The Site' comprises two vacant and derelict riverside brownfield sites, in urgent need of regeneration, separated by Chelsea Creek.

4.0 THE CIRCADIAN PROPOSALS

4.1 Various site constraints and development objectives have influenced the design and location of the Circadian proposals the subject of this Inquiry. Following approximately five years of design and development, technical studies and consultations, the scheme produced by Sir Terry Farrell and his design team has been conceived to overcome all major constraints imposed by 'The Site', whilst addressing all the environmental and associated issues for which design solutions were required.

4.2 The two planning applications submitted to LBHF and RBKC are intended to comprise a single cohesive development. In the event that planning permission is granted, Circadian has through the joint venture partnership both the finance and development expertise in place to commence the building out of 'The Site' over a six year period, and in accordance with a construction programme as set out in the *Updated Environmental Statement*.

4.3 The main elements of the scheme, as amended in October 2004, are as follows.

Architectural Masterplan

4.4 The Architectural Masterplan, prepared by Terry Farrell and Partners, and reproduced at page 5-2 (figure 5.5) of the *Updated Environmental Statement*, sets the development of 'The Site' within the wider context of the surrounding communities and its riverside location. The overall scheme focuses on the opening up of the area to allow pedestrian access into and through the sites to improve, in particular, riverside and creekside access to adjacent neighbourhoods. The proposed buildings on 'The Site' would allow these new routes to connect with and open up pedestrian desire lines across 'The Site' thus linking previously divided communities.

Residential Provision

4.5 The principal element of this mixed use scheme is residential development. The project as a whole has been devised to provide a mix of accommodation types to reflect the nature of housing demand and needs in this part of Central London. In response to market and social expectations, the residential element of the scheme incorporates a range of unit types with integrated affordable housing, intended for key workers and other low income groups. A breakdown of the housing now proposed in the October 2004 amended scheme, is set out below:

	LBHF Site	RBKC Site	Total
Affordable Total	213	165	378
% Affordable	56%	39.3%	47.1%
Private Total	<u>169</u>	<u>255</u>	<u>424</u>
TOTAL	382	420	802

The Power Station

4.6 Central to the development is the retention and conversion of the existing Power Station building to provide a mixed-use community building (Block KC3). The external elevations of the existing Power Station building will be cleaned and renovated, with glazing reinstated in the external facades. At the basement level there will be car parking provision for the private residential accommodation, which will

be accessed from Lots Road. A total of 40 spaces for commercial and visitor use and for the proposed car club, will be provided in the basement of the Power Station.

4.7 The converted building would create new pedestrian connections through the building on the ground level, and a new glass-roof 'street' on the long access of the building, whilst retaining some elements of the original steel framework. Power Station Street, as it would be known, would be one of six new areas of publicly accessible open space on 'The Site'.

4.8 Accommodation within the Power Station building would consist of private residential apartments above the first floor and, at the higher levels facing the Creek, multi-level penthouses with rooftop terraces. External terraces and the internal 'street' would be extensively landscaped. The two 'internal' chimneys (reduced to roof level in the 1960s) would be restored and used as lift and stair cores at lower levels, with residential uses in the upper parts.

The Towers

4.9 Two new towers (Blocks KC1 and HF1) have been carefully conceived to form a sculptural visual grouping with the existing Power Station building. The architect has designed two tall slender towers with small footprints at the mouth of the Creek to achieve the site's full development potential. This has also enabled a much greater area of publicly accessible open space to be created than could be achieved if the same amount of accommodation were to be provided in lower level blocks.

4.10 The taller tower of 123.5m, and 36 storeys (Block HF1) (76 units) would be positioned on the 'LBHF Site' adjacent to the mouth of the Creek with its long access parallel to the Power Station building. The tallest leading edge would face the river presenting a dramatic view to and from the tower to the river. The lower tower of 86.6m and 25 storeys (Block KC1) (42 units) on the 'RBKC Site' would have the same orientation, but this tower would have its tallest leading edge facing away from the river towards the Power Station building.

4.11 The towers are planned with a central core, and the entrance levels would have double-height reception space. The proposed floor plan would provide a maximum of four flats around the core, and the upper levels of the towers would contain penthouse flats under the sloping roof.

4.12 A much lower 10 storey building (Block HF5) (43 units) would be located on the river front adjacent to the existing Chelsea Harbour development.

Private Residential Accommodation

4.13 It is proposed to provide 169 units of private residential accommodation within the lower level buildings on the 'LBHF Site'. The 36-storey tower HF1 (76 units); Blocks HF4 (50 units) and HF5 (43 units) would form the boundaries to the riverside square.

4.14 On the 'RBKC Site', the 25-storey tower (KC1) (42 units); Block KC2B (20 units); Block KC3 (193 units), comprising in total 255 units.

Affordable Housing

- 4.15 A total of 213 affordable housing units would be provided on the 'LBHF Site' in two blocks. Block HF3A/B/C (177 units) and Block HF2 (36 units), comprising 56% of the total number of units proposed on the 'LBHF Site'.
- 4.16 A total of 165 affordable housing units would be provided on the 'RBKC Site' in three blocks, KC2A (48 units), KC3 (67 units) and KC4 (50 units) comprising 39.3% of the total number of units proposed.
- 4.17 In total, 378 affordable housing units would be provided, representing about 47% of the total residential development.

Non-Residential Provision

- 4.18 The majority of non-residential accommodation would be located on the 'RBKC Site' within the basement, ground and first floors of the Power Station building (KC3) and the ground floor of Blocks KC1 and KC2. The following accommodation is proposed:

Block	Description	Planning Use Class	Floor	Gross External Area sq.m
KC1	Workshop/Light Industrial	B1	Ground	325
	Gymnasium	C3	Ground	499
KC2A	Workshop/Light Industrial	B1	Ground/First	187
	Nursery		Ground	549
	Estate Management	C3	Ground	148
KC3	Workshop/Light Industrial	B1	Basement	392
	Community	D	Basement/Ground	478
	Retail Units	A/A2	Ground	1413
	Restaurant	A3	Ground	326
	Offices	B1	First	3596
	Doctor's Surgery	D1	Ground	131
HF1	Gymnasium	C3	Ground/First	374
HF3	Estate Management	C3	Ground/First	112

Provision of Open Space

- 4.19 Six new traffic free publicly accessible open spaces would be strategically located around the Creek and overlooking the river to further emphasise the accessibility of the development. These open spaces represent approximately 45% of the total site area (excluding the Creek) and are linked via the three pedestrian bridges proposed across the Creek. The open space areas proposed are as follows:

- Power Station street (RBKC Site) - 0.3ha

- Power Station plaza (RBKC Site) – 0.4ha
- Creekside Park (LBHF Site) – 0.3ha
- Riverside Square (LBHF Site) – 0.4ha
- Creekside Gardens (LBHF Site) – 0.2ha
- Children's playspace (LBHF Site) – 0.03 ha

- 4.20 Three new pedestrian footbridges would link the 'RBKC Site' and 'LBHF Site' together, and provide access for users of the 'RBKC Site' to the four areas of publicly accessible open space on the 'LBHF Site', as shown on drawing 589-21, at Appendix RSA1 of the evidence of Mr Tully.
- 4.21 The Riverside Walk (part of the Thames Park National Trail and cycle route) would be extended onto 'The Site' from Chelsea Harbour, allowing permeable routes through 'The Site' (see chapter 16 of the *Updated Environmental Statement*).

Chelsea Creek and the River Thames

- 4.22 Proposals for the Creek have been formulated in close consultation with the Environment Agency and other interested parties. The Environment Agency, as indicated in the evidence of Mr Marsh of Waterman Environmental, at paragraphs 1.12 and 5.37, is now satisfied with the proposals in relation to the Creek. The proposals would retain a fully tidal Creek and maintain an in-flow of tidal water to the upper reaches of the Creek at low tide to replace the previous Power Station cooling water discharge. This artificially introduced flow would prevent the build up of sediment within the Creek that would otherwise result in the loss of valued habitats in the long term. The introduced flow would be sourced largely through abstraction from the Thames, supplemented by, for example, surface water drainage and pumped groundwater from the underlying chalk aquifer. The proposed strategy would preserve and enhance the ecological and amenity value of this water body.
- 4.23 Access to the Creek and river would be encouraged via the Creekside Park, a new landscaped pedestrian environment and walkway proposed along the length of the Creek. It would include new wildlife habitats and vegetation on a series of intertidal terraces which would be partially accessible open spaces.
- 4.24 The basin at the top of the Creek, beyond the road bridge, would be cleared of debris and turned into a protected ecological resource, to be used as an educational facility for local school children.
- 4.25 More information on these matters is provided in the evidence of Mr Tully of Neil Tully Associates and Mr Arthur of CPM Environmental Planning and Design.

Estate Management

- 4.26 With regard to the Estate Management structure for the development, Circadian propose to form a single Management Company for the entire site. The Management Company will be controlled by Circadian for the duration of the construction works and until all apartments have been sold to residents. It is intended that the commercial units, retail units and car parking spaces will also come under the jurisdiction of the Management Company, which will be controlled by the Directors of Circadian.
- 4.27 On the completion of the first residential blocks, Circadian will employ a managing agent, who will work with Circadian to draw up the detailed management strategy for individual blocks/buildings and for the estate generally.

4.28 With regard to the estate generally, all areas of the estate that are not private-space or private communal space will be available to all members of the public. The publicly accessible access can be divided into three main areas as follows:

(i) Riverside Walk

4.29 The Riverside Walk will be completed and offered for adoption by LBHF and RBKC. It is proposed that the Riverside Walk will be available to members of the public for 24 hours per day.

4.30 Other areas of publicly accessible open space will have restricted access by the public, with access controlled by lockable gates at each access point. It is envisaged that there will be at least four full time security staff on duty on all times across the entire site, with a security office monitoring CCTV cameras across the site. Access times for members of the public will vary dependent upon the time of year, and typically these times will be as follows:

Autumn/Winter (1st November to 31st March) – 8.00 am to 6.00 pm

Spring/Summer (1st April to 31st October) – 7.30 am to 10.00 pm.

(ii) Interior of Power Station Ground Floor

4.31 Access to the ground floor of the Power Station will be controlled in a similar way to that for the publicly accessible open space with access gates controlled by the security staff. Due to the fact that the ground floor area will contain both retail units and access to first floor commercial units, access will be granted to members of the public all year round from 8 am to 10 pm.

(iii) Café/Restaurant

4.32 At the eastern end of the Power Station on the ground floor there is a restaurant/café, which it is intended can be accessed by the public both directly from Lots Road and from Power Street, within the Power Station.

4.33 Arrangements concerning on-site car parking are considered in section 7.0 of the evidence of Mr Walker of Capita Symonds Limited.

5.0.0 THE PLANNING BENEFITS AND ADVANTAGES OF THE PROPOSED DEVELOPMENT

5.1.0 Benefits of the Circadian Proposals

5.1.1 The main planning issues in this case are considered in the context of the matters raised in the First Secretary of State's call-in letter, which I shall consider shortly. However, it is important to keep in mind the main planning benefits of the Circadian proposals.

5.1.2 Accordingly, I set out below a brief synopsis of what I perceive to be the main planning benefits that will arise from the implementation of the proposals.

Mixed Use Development and Sustainable Development

5.1.3 The benefits of mixed use development are acknowledged at paragraph 8 of PPG1. The proposed scheme will provide a mix of uses on 'The Site' including residential, employment, leisure, shops, restaurants, community and health facilities which will add to the vitality and diversity of this part of Chelsea. Mixed use development is inherently more sustainable than single use developments, and reduces the need to travel, by increasing the potential for linked trips.

5.1.4 The proposed development will involve the re-use of previously developed and undeveloped land.

5.1.5 Government policy, as stated at paragraph 2 of PPG3 identifies the regeneration of urban brownfield sites as a priority. 'The Site' comprises two large brownfield sites in prominent riverside locations in Central London, and, in order to maximise and make best use of resources, should be redeveloped to a high density compatible with its location and context. The conversion, renovation and reuse of the former Power Station building will be beneficial from a historic and urban design viewpoint. It will provide access to the building for facilities that will be of benefit to the local and wider communities.

5.1.6 The proposed development will be highly sustainable. It will involve the re-use of vacant and now derelict urban brownfield riverside sites. Its design has been informed by sustainability principles.

Urban Regeneration

5.1.7 The proposed development will provide a new focus for the local area, and will connect previously disparate parts of the community and the urban fabric transforming them into a fully functioning dynamic urban quarter that takes full advantage of, and will enhance, the Creek and river frontages.

5.1.8 It is plain that the proposals for mixed use development on derelict and previously developed urban sites will result in significant social and economic regeneration benefits to the advantage of the Chelsea area, and to this part of West London generally. Such regeneration is entirely consistent with the aims and objectives of local, regional and national planning policy.

5.1.9 The Circadian scheme will be an exemplary model of regeneration of previously developed land whose original use has become redundant.

Major Residential Development and Affordable Housing

- 5.1.10 The proposed development of 802 residential units, with a substantial proportion of that total (47%) as affordable dwellings, complies with sustainability requirements for 'The Site' to be densely developed. Creating higher residential densities in locations which either have good transport connections or are capable of achieving high levels of public accessibility is consistent with the principles of sustainability.

Design and Townscape Matters

- 5.1.11 PPG1, at paragraph 15, advocates good design, which, it is stated, can help promote sustainable development, improve the quality of the existing environment, attract business and investment, and reinforce civic pride and a sense of place. The new residential buildings proposed for 'The Site', to include two slender towers, together with the residential conversion of the Power Station have all be designed to respect its surroundings, and has the support of CABE and English Heritage.
- 5.1.12 The proposed new residential buildings, together with the conversion Power Station will be of high architectural quality and will add new landmark buildings to complement others on the Thames Riverside.
- 5.1.13 The proposals have been designed to achieve not only a new integrated urban quarter, but to create a presence on the Thames that will result in high quality riverscape at this important part of the River, which would substantially enhance the character of the Chelsea riverside.
- 5.1.14 Overall, the proposed development will upgrade the existing environment, attracting further investment to the area, reinforcing civic pride and a sense of place.

Social and Community Benefits

- 5.1.15 The new residential quarter will be socially inclusive. It will offer affordable, key worker and private housing and shops, small businesses, and community facilities that are open to all. This will not be a private enclave but a public, open, integral part of London's built environment.
- 5.1.16 The Circadian scheme will bring about the regeneration of an area on the River that is now derelict and lacking in beneficial and sustainable use. The development will not encroach on any existing open spaces; it will increase the amount of publicly accessible open spaces in the area and make them attractive and useful to the public.
- 5.1.17 Londoners and visitors alike will benefit from the adaptation of the Power Station to residential, commercial and local community uses. It will be a unique role for such a building and an innovative use of an historic asset.

Environmental Benefits

- 5.1.18 The development will result in significant improvements to the public realm through the creation of a newly created pedestrian environment across 'The Site'. This will be achieved by providing safe, commodious pedestrian routes at grade across the site and attractive frontages and public spaces.
- 5.1.19 The proposed scheme will provide both a 'green' environment for the residential community and visitors to 'The Site', as well as providing access to the river frontages.

- 5.1.20 The proposals for improvements to Chelsea Creek will achieve both nature conservation and ecological enhancement of the Creek and the wider River Thames, which is designated on account of its nature conservation importance. They will thus serve and enhance biodiversity.

Transportation Benefits

- 5.1.21 The proposals are consistent with the advice given in PPG13 on the preferred location for sustainable development.
- 5.1.22 To encourage more sustainable forms of transport, the proposals involve, through the proposed Section 106 obligation, measures to improve and encourage public transport use which will result in securing high levels of accessibility for 'The Site'.

5.2.0 Advantages over 'Fall Back' Position

- 5.2.1 As explained in more detail in Section 6.0 of my evidence, the implementation of the proposals the subject of this Inquiry will represent significant advantages over the 'fall-back' position which Circadian is reasonably likely to adopt, in the event that the First Secretary of State refuses planning permission for the current proposals.

5.3.0 Summary

- 5.3.1 The proposals will provide significant planning and transportation benefits, and for reasons which I explain in my evidence, all accord with and further the objectives of relevant national, regional and local planning policy guidance.

6.0 RELEVANT PLANNING HISTORY AND CIRCADIAN'S FALL-BACK POSITION

- 6.1 The relevant recent planning history of 'The Site' is provided at Section 3.0 of the SCG (CD11).
- 6.2 In the SCG (CD11), at section 3, reference is made to the unimplemented final phase of the Chelsea Harbour scheme, a mixed use development that was granted planning permission in 1986. Phase 1 of the Chelsea Harbour development was completed and occupied in 1998, and includes the building blocks known as Fountain Court, The Quadrangle, Commodore Court, Thames Point and Commodore Square. However, the second building phase of the Chelsea Harbour scheme, comprising the 'LBHF Site' has yet to be implemented.
- 6.3 Circadian in promoting its development proposals for 'The Site', being within two separate local authority areas, by necessity had to submit two separate planning applications. However, both applications comprise a single comprehensive development, which in practice means that neither application can proceed without the other. As matter of practical realism, it is necessary to consider the position that Circadian would be in if the First Secretary of State refuses planning permission for the development now proposed. In those circumstances, Circadian will have available to it its 'fall-back' position should the current proposals for the comprehensive redevelopment of both sites not be granted planning permission.
- 6.4 With regard to the 'LBHF Site', planning permission was granted on 21 April 1986 under reference 86/20/00393/22 (CD13) for mixed use redevelopment of Chelsea Harbour. Forming part of that planning permission were Section 52 and Section 106 agreements. The planning application included a provision for the continuation of development over the whole area on the south side of Chelsea Creek as and when the land became available. One of the planning conditions attached to the consent required that all of the four blocks proposed should be built in the first phase as continuous development.
- 6.5 Also relevant to the implementation of the 1986 planning permission is an appeal decision, dated 4 July 2003 (CD13). The inspector, in granting planning permission, allowed a variation of details pursuant to condition 02 of the 1986 permission, and also addressed the requirement under condition 30 that with the exception of four buildings, together with their associated landscaping, river walk and roadworks, the development permitted was required to be carried out as a 'continuous' development. The inspector made clear that he considered that not only may details under condition 02 be amended (provided that they do not materially change the nature of the development permitted under the 1986 permission) but also that condition 30 was not a bar to continued implementation.
- 6.6 For these reasons, it is clear that the 1986 permission remains capable of lawful implementation, and that Circadian, who own and control the 'LBHF Site', could complete Phase 2 of the Chelsea Harbour scheme, subject to the discharge of outstanding reserved matters. As much is confirmed in the LBHF UDP, at page 312, under the heading 'Site 22A Chelsea Harbour 2', where it is stated that *"both parcels of land are subject to the original planning permission for Chelsea Harbour, and could be developed for residential and amenity space in accordance with that permission."*
- 6.7 Therefore, in the event that the First Secretary of State does not grant planning permission for the comprehensive proposals now before him, the immediate option available to Circadian is its 'fall-back' position in relation to 'The Site' as a whole. I am instructed by Circadian that their intentions in relation to their fall back position for the 'LBHF' and 'RBKC Sites' are as follows.

- 6.8 --With regard to the 'LBHF Site' it would be Circadian's intention to submit directly after the public inquiry sufficient details to discharge the outstanding planning conditions in relation to the 1986 consent. The Circadian Board has already agreed that these details should be available in March 2005.
- 6.9 There is a reasonable likelihood that the Company would implement and construct the Phase 2 Chelsea Harbour scheme on the 'LBHF Site' in accord with the 1986 planning permission. This implementation would follow on as soon as practicable after any refusal given by the Secretary of State.
- 6.10 There are a number of planning related disadvantages which would follow if the 'fall-back' scheme was implemented on the 'LBHF Site', as follows:
- (i) The extant planning permission on the 'LBHF Site' does not offer any public transport improvements for the area. There are no substantial Section 106 obligations for highway and transport infrastructure improvements.
 - (ii) The extant planning permission permits the development of 1,944 on-site parking spaces, which is far greater than the number proposed in the current scheme for the 'LBHF Site' and, therefore, would obviously be less sustainable in transport terms. In contrast, the current Circadian proposals offer significant transport benefits compared to the 'fall-back' position.
 - (iii) The 1986 consent for 551 units does not take account of current planning policy, as set out in national planning guidance and development plans, for maximum use to be made of previously developed sites to achieve, where appropriate, a high density of development.
 - (iv) The scheme contains 52 flats for sheltered accommodation, but no affordable housing in terms of current standards.
 - (v) The scheme contains limited publicly accessible open space, other than the riverside walk and walkways between various buildings.
 - (vi) Residents will have the right to drive through the Townmead Road Bus Gate.
 - (vii) The architecture does not represent the high quality design one would now expect for this important riverside location.
 - (viii) The 1986 consent does not include any works to the Creek, which would mean the loss of the improvements and nature conservation benefits for the Creek as proposed in the current applications.
- 6.11 With regard to the 'RBKC Site', Circadian will consider making a planning application after any refusal by the First Secretary of State in relation to the scheme before this Inquiry. The timing and content of a new planning application would in part depend on the nature of the decision by the First Secretary of State, which would need to be taken into account in formulating new proposals for the 'RBKC Site'.
- 6.12 In conclusion, the 'fall-back' outcome is likely to produce the remaining phase of the Chelsea Harbour scheme on the 'LBHF Site', which lacks the design quality and planning benefits which will arise from the current proposals. On the 'RBKC Site', although a new scheme is likely to come forward, in due course, its timing and content must remain uncertain. Circadian cannot speculate on the Secretary of

----- State's decision on this scheme, and must, therefore, wait and consider the Secretary of State's decision before proceeding further with any proposals on the 'RBKC Site'.

6.13 In relation to the 'fall-back' position, it is plain that the redevelopment of the 'LBHF Site' and 'RBKC Site' on a separate and independent basis would be the antithesis to comprehensive regeneration. The failure to achieve the current Circadian comprehensive development proposals, would be likely to result in significant lost planning and economic opportunities for 'The Site'. From a planning point of view, the development of the 'RBKC Site' and the 'LBHF Site' separately would not come close to achieving the planning and transportation benefits to be derived from the comprehensive redevelopment proposals the subject of this Inquiry.

6.14 In my view, the proposals before this Inquiry demonstrate both sound planning and economic principles which will deliver the comprehensive redevelopment of these important riverside brownfield sites. In the event that this comprehensive development cannot proceed, then the obvious and available alternative is the 'fall-back' position described above, which will not achieve the efficient economic use of the whole site.

7.0.0 - RELEVANT PLANNING POLICIES

- 7.0.1 At **Appendix 1** to my evidence, I review the principal planning policies that are relevant to the consideration of the proposals the subject of this Inquiry. In doing so, I do not for the purposes of my evidence seek to judge the proposals against each and every applicable policy in the respective development plans, as some of the relevant policies are considered in the evidence of other witnesses. However, I do identify, the policies which I specifically consider as having primary relevance to the Circadian proposals and my consideration of the planning issues. A full schedule of all policies relevant to the proposals is provided at section 5 of the **SCG**.
- 7.0.2 The statutory development plan, for the purposes of section 38 (6) of the Planning and Compulsory Purchase Act 2004 (formerly section 54A of the Town and Country Planning Act 1990), comprises: (i) The London Plan, being the Spatial Development Strategy for Greater London, adopted by The Mayor of London in February 2004 (ii) the LBHF Unitary Development Plan 2003, adopted in August 2003, and (iii) the Unitary Development Plan of RBKC, adopted on 25 May 2002.
- 7.0.3 The London Plan provides the statutory strategic planning policy for Greater London, and all unitary development plans prepared by the London Boroughs are required to conform generally with the strategic policies provided in The London Plan. Therefore, in due course, and in reviewing UDPs, London Boroughs will need to ensure general compliance with the strategic policies of The London Plan, as required by Section 38 (6) of the 2004 Act, and to meet the requirements of paragraph 5.1 of GOL Circular 1/2000 '*Strategic Planning in London*'. Although both the respective UDPs of LBHF and RBKC can be regarded as up to date development plans, at least in terms of the date of adoption, nevertheless, the adoption of the London Plan post dates both UDPs, and, therefore, where there is inconsistency or conflict with the London Plan, the provisions of The London Plan will prevail.
- 7.0.4 **Appendix 1** of my evidence does not identify those aspects of national planning policy which are relevant to the Circadian proposals, as such matters are considered separately in the call-in issues raised by the First Secretary of State, to include the consideration of the following national planning guidance: PPG1, PPG3, PPG9, PPG15 and PPG17. However, in Section 18.0 of my evidence under the heading *Any Other Relevant Material Planning Considerations*, I also consider the proposals against the advice in PPG4 (*Industrial and Commercial Development and Small Firms*), and PPG6 (*Town Centres and Retail Developments*), as the development proposals include both Class B1 and Class A1/A3 uses. A review of the relevant provisions of both PPG4 and PPG6 is also included in **Appendix 1**.

8.0.0 CALL-IN ISSUE (a) – RELATIONSHIP OF THE PROPOSED DEVELOPMENT TO POLICIES OF THE ADOPTED LONDON BOROUGH OF HAMMERSMITH AND FULHAM UDP

8.0.1 In this section of my evidence, I consider the proposals contained in the Circadian planning application in respect of the 'LBHF Site' against those relevant planning policies which fall within the scope of my evidence, as previously identified in Section 7.0 and **Appendix 1**.

8.0.2 For convenience, I consider the relevant policies as they fall within the respective chapters of the LBHF UDP.

8.1.0 Site Specific Policies

8.1.1 There are two specific site proposals relevant to the 'LBHF Site':

(i) Site 22 Chelsea Creek

8.1.2 This policy under the heading *Nature Conservation*, states as follows:

"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."

8.1.3 The proposals for the Chelsea Creek involve the re-engineering of the Creek to provide an improved ecology and amenity resource and the preservation of waterflow in the channel at low tide. Prior to the closure of the Power Station in November 2002, the Creek had been significantly affected by the continuous discharge of significant volumes of cooling water which had a direct effect on the morphology of the Creek. The effect of this discharge was to prevent the normal interchange of tidal Thames water and resulted in a continual flow between the discharge point and the main body of the Thames at all states of the tide. It was anticipated that Chelsea Creek would progressively silt up following the closure of the Power Station with the cessation of the discharge of the cooling water effect on the Creek. Observations made following the Power Station closure have confirmed that the Creek has been subject to considerable siltation since the Power Station closed.

8.1.4 More detailed information on the engineering proposals for the Creek is given in the evidence of Mr Marsh of Waterman Environmental, who describes the proposals for the remodelling of the existing Creek edges from existing vertical form to a terraced Creek edge to provide a more gradational transition of habitats and Creek planting opportunities. These proposed engineering works, amongst other matters, will serve to ensure the minimisation of the long term siltation and loss of Creek, foreshore and flood capacity.

8.1.5 The ecological and nature conservation benefits of the remodelling of the Creek edges are considered in the evidence of Mr Arthur of CPM Environmental Planning and Design, who concludes that the proposals accord with Government guidance, as set out in PPG9, and will enhance designated features and protected species, and mitigate impacts wherever they occur. He points out in his evidence at paragraph 5.2 that whilst the Environment Agency support the ecological proposals for 'The Site', in their Rule 6 Statement they raised an objection in respect of position of building HF3A in relation to the Creek (paragraph 3.6). The evidence of Mr Arthur is that far from being detrimental to the Creek's ecological function as a wildlife corridor, the proposed development, to include the position of building

HF3A, would significantly improve the function of the Creek in this regard and would serve to enhance biodiversity. The Environmental Agency has since withdrawn its objections, as indicated in the evidence of Mr Marsh (paragraphs 1.12 and 5.8).

8.1.6 In the report of the Director of Environment to the Planning Applications Committee on 25 June 2003 (CD35), it is pointed out, at paragraph 6.55, that it is considered important for any redevelopment of the 'LBHF Site' to achieve a proper relationship with Chelsea Creek and an appropriate enhancement of it. The report, at paragraph 6.57, acknowledges that the development of the Creek in the Circadian proposals would comprise the walkway and succession of terraces extending to the low watermark, so providing a range of habitats for wildlife. It is also stated in the same paragraph that the terraces and walkway would complement this important nature conservation site, both in visual and physical terms. It is then stated at paragraph 6.57 that *"It is considered that the proposed treatment of the Creek would respect the requirements of the site policy and Policy EN27 Nature Conservation Areas."*

8.1.7 The Section 106 obligation includes a commitment by Circadian for a timetable of 'Creekside works' related to the occupation of residential units on the LBHF site, together with the requirement that the inter-tidal terraces in LBHF are to be constructed and maintained for the lifetime of the development to a specification agreed by LBHF in consultation with the Environment Agency.

(ii) *Site 22A Chelsea Harbour 2*

8.1.8 This policy under the heading *Residential open space and riverside walk* states as follows:

"The site consists of land in two ownerships. Part is in P&O's ownership and is landscaped and linked to the existing Chelsea Harbour development, and part is occupied by an oil storage tank and other London Underground Limited (LUL) land. Both parcels of land are subject to the original planning permission for Chelsea Harbour, and could be developed for residential and amenity space in accordance with that permission. Upon decommissioning of the Lots Road Electricity Generating Station in the Royal Borough of Kensington & Chelsea, the oil storage tank site will no longer be required by LUL and will become available for development."

A mix of residential and open space use would be appropriate ... In accordance with affordable housing policies, on such a site the Council would normally expect to see the maximum amount of affordable housing ... The oil storage tank site is considered the most appropriate location for public open space, and provides the opportunity for the enhancement of the neighbouring Chelsea Creek Nature Conservation Area ... The provision of the riverside walk will also be required and appropriate river based and river related facilities will be welcome, provided that they do not undermine the primary development objectives for the site and are in accordance with Policy EN32."

8.1.9 The proposals for the 'LBHF Site', as comprised in the October 2004 amended scheme, contain a number of elements within the overall Masterplan for 'The Site', the principal component of which is the provision of 382 residential units with distinct areas of publicly accessible open space, as follows:

- (i) Block HF1 will contain 76 private residential apartments
- (ii) Block HF2 will comprise 36 'intermediate' social housing units
- (iii) Block HF3a/b/c will comprise 177 affordable RSL rented units
- (iv) Block HF4 will contain 50 private residential units
- (v) Block HF5 will contain 43 private residential units
- (vi) The areas of publicly accessible open space to be provided are Creekside Park (0.3ha); Riverside Square (0.4ha); Creekside Gardens (0.2ha) and a children's playspace (0.03 ha)

8.1.10 Within the Section obligation, considered at the Planning Applications Committee of LBHF on 25 June 2003, are proposed covenants, which can be summarised as follows:

(i) *Provision of Affordable Housing*

214 units to be provided to a Registered Social Landlord (RSL), with 184 units affordable rented and 34 key workers.

(ii) *Public Transport Improvements*

16 separate obligations are proposed, as considered in the evidence of Mr Walker.

(iii) *Restriction upon Residents to park on-street*

Residents of the development to be prevented from obtaining on-street parking permits issued by the Council.

(iv) *Prevention of Use of Bus Gate*

No vehicular access by residents of the development or the development in RBKC through the bus gate into Townmead Road.

(v) *Provision of Open Space*

Timetable for completion of open space dependent on occupation of residential units.

(vi) *Provision of a Riverwalk*

Construction of a Riverside Walk to a specification agreed with the Council of at least an equivalent standard to the Council standard brief and its use by the general public.

(vii) *Provision of Creekside Works*

Completion of creekside works prior to the occupation of 60% of the units in Block HF2; inter-tidal terraces to be constructed and maintained for the lifetime of the development; and, implementation of a scheme to minimise siltation of Chelsea Creek.

(viii) *Provision of Health and Education Services*

The sum of £350,000 for the provision and/or enhancement of educational facilities in LBHF within two miles of the application site; a residential unit on the ground floor of Block HF2 to be made available on a temporary basis for use as a doctor's surgery until such time as a permanent facility is provided in the Power Station.

8.1.11 At paragraph 6.3 of the report of the Director of Environment (CD35) it is stated that *"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 the proposal for a river walk."*

8.1.12 - I consider shortly whether the quantum and type of residential development proposed for the 'LBHF Site' accords with the housing policies of the UDP, in particular Policies HO5, HO6 and HO7. Similarly, I examine whether adequate open space provision is made within the proposals in the context of the proposals of the Environment chapter of the UDP, and in particular Policies EN23 and EN23B. Also, with regard to the provision of the riverside walk, as required in site specific proposal Site 22A, I consider this matter in the context of the Environment chapter of the UDP, and specifically in relation to Policy EN32.

8.1.13 However, it is plain that the proposals for the 'LBHF Site' are in conformity with the requirements of both site specific Policies 22 and 22A. As indicated at paragraph 6.61 of the report of the Director of Environment (CD35), it is stated that the site Policies 22 and 22A set out the principal land use requirements for the 'LBHF Site' and that *"Officers consider that the terms of these site policies are met by the current proposals."* The conclusions of the Director of Environment in considering the proposals against the requirements of site Policies 22 and 22A, were as follows:

"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 Creek side 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."

8.1.14 I endorse the views of the Director of Environment, as set out above, and I am also able to conclude, subject to the detailed consideration of relevant individual policies which follow, that the proposals for the 'LBHF Site' are in accord with the site specific requirements of Policies 22 and 22A in the UDP.

8.2.0 Chapter 4 - Environment

Conservation Areas

8.2.1 Policy EN2 deals with development in conservation areas, and in accordance with the guidance provided at PPG15, requires that development within conservation areas will only be permitted if the character and appearance of the conservation area are preserved or enhanced. A corollary Policy EN2B deals with the setting of conservation areas and requires that views into or out of them is preserved or enhanced.

8.2.2 As indicated at Appendix 1 (paragraph 2.7) of my evidence, part of the 'LBHF Site' comprising the Thames frontage and the Chelsea Creek frontage up to the basin fall within the Sands End Riverside Conservation Area Number 41, adopted by LBHF on 2 July 2002. Also the 'LBHF Site' falls within the Thames Conservation Area.

- 8.2.3 The advice given at paragraph 4.20 of PPG15 is that it is necessary to consider whether the proposed development leaves the character and appearance of the conservation areas unharmed. Professor Tavernor in his evidence (Appendix RT/3), demonstrates that the proposals will enhance the character and appearance, and settings of both the Sands End Riverside Conservation Area, and the Thames Conservation Area, which are affected by the proposed development. The proposals, therefore, comply with both **Policy EN2** and **EN2B**.

Design

- 8.2.4 **Policy EN8** requires that 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.”* This policy also sets out a number of detailed designed criteria which require to be met.
- 8.2.5 The principal requirement of **Policy EN8**, is to secure a high standard of design, which is also a policy objective to be found in both the London Plan, and national guidance in PPG1, which I consider in Sections 9.0 and 13.0 of my evidence respectively. In terms of the specific criteria required to be satisfied in **Policy EN8**, both Sir Terry Farrell (sections 3, 4 and 5) and Professor Tavernor (section 4) demonstrate in their evidence that the proposals, as a whole, are of the highest architectural standard and have been sensitively designed to integrate into the existing built form and landscape to enhance the character of the riverside.
- 8.2.6 Sir Terry Farrell, in his evidence at paragraph 3.5.1, expresses the view that ‘The Site’ is of London-wide importance, with which I agree. It follows that because of the recognised importance of ‘The Site’, it is paramount that a high quality design be achieved for its redevelopment. In his own words, Sir Terry Farrell has achieved this by *“the verticality of the towers rising from the mouth of the Creek will accent and juxtapose the horizontality and solidity of the power station.”* (paragraph 3.5.2). He also states in paragraph 3.5.2, that the significance of the Power Station as an historic and architectural landmark will be enhanced and enlivened by the presence of these two 21st century towers, a comment which I also endorse.
- 8.2.7 The evidence of Professor Tavernor, at paragraph 4.3, confirms that the Architectural Masterplan prepared by Sir Terry Farrell has in his view created not only a new integrated urban environment, but will through the development proposed create a presence on the River Thames that will result in a fine riverscape on this important part of the river. Accordingly, I am satisfied that the principal requirement of **Policy EN8**, to secure a high standard design, is satisfied by the proposals.

High Buildings

- 8.2.8 **Policy EN9**, under the heading *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 criteria relating to the visual impact on a conservation area, open space, the River, the Strategic Views, any listed buildings, townscape, wind speeds and relates to its surroundings. This policy within the LBHF UDP adopted in August 2003 does not take account of the *Guidance on Tall Buildings* published by English Heritage /CABE in March 2003, and, more importantly, the relevant strategic policy of the London Plan, adopted in February 2004. The advice given in the London Plan at **Policy 4B.8** is that boroughs should not propose unsubstantiated borough-wide height restrictions.

- 8.2.9 In relation to **Policy EN9**, the Director of Environment in his report to the Planning Applications Committee (CD35) points out, at paragraph 9.38 of the report, that whilst officers remain concerned on two of the criteria of **Policy EN9**, that is 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."*
- 8.2.10 At paragraph 9.39 of the report it is stated that officers recognise strong support for the towers, but 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 finally balanced.
- 8.2.11 However, the evidence of Sir Terry Farrell (section 3.7) and Professor Tavernor (sections 3 and 4) demonstrates that the two residential towers proposed, one at 36 storeys (123.5m) on the 'LBHF Site', and the other at 25 storeys (86.6m) on the 'RBKC Site', which are to be considered as tall buildings in this locality, do, satisfy the criteria based requirements of **Policy EN9**, and will provide significant enhancement to the townscape. The proposals also satisfy the requirements of both the London Plan and English Heritage/CABE *Guidance on Tall Buildings*, as demonstrated in the evidence of Sir Terry Farrell (paragraphs 6.5.1 to 6.5.14) and Professor Tavernor (paragraphs 5.21 and 5.22).

Open Space

- 8.2.12 **Policy EN23** under the heading *New open space provision in connection with development* seeks to ensure the provision of open space in new development to meet the needs of occupiers and users, and that residential development open space provision should be in accord with **Development Standards S5A and S7**. The policy then provides that such provision should preferably be made on site, and that proposals should include open land provision beyond that to meet the needs of the development itself, particularly where:

"

- *The locality is identified as an area of general open space deficiency;*
- *New open space would contribute to the improvement of town centres, employment zones and regeneration areas;*
- *There is potential to enhance natural features of strategic importance such as the riverside;*
- *The open space would create, or contribute to, provision of pedestrian links between existing open space, town centres, entertainment venues or other established pedestrian routes; and*
- *There is potential to enhance the biodiversity value of an area, including the creation of new habitats for wildlife.*

New open space provided under this policy 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. Planning conditions may be imposed, or planning obligations sought, to deal with these matters and to ensure that the land is properly maintained."

- 8.2.13 **Policy EN23B**, under the heading *Children's play areas* states that:

"Where residential development that provides family dwellings is proposed, play space provision will be required by means of a communal play area on site or by the provision of, or a contribution to, new or enhanced facilities in the immediate vicinity. The scale of provision and associated play equipment, will be in proportion to the scale, and related to the nature of, the proposed development, in accordance with development standard S7."

- 8.2.14 The development standards referred to in Policies EN23 and EN23B are S5A and S7 of the UDP which state as follows:

S5A.1 Amenity Space for Family Dwellings

“Every new family dwelling with accommodation at ground floor level should have at least one area of private open amenity or garden space of an area not less than 36 square metres (387 square feet) with direct access to it from the dwelling.”

S5A.2 Amenity Space for Non-Family Dwellings

“Every new non-family dwelling with accommodation at ground level should have at least one area of private open amenity/garden space of an area not less than 14 square metres (150 square foot).”

S5A.3 Amenity Space for Family Dwellings Not at Ground Level

“Where it is not possible or practicable to locate a family dwelling with accommodation at ground floor level then the minimum area of open space (i.e. 36 square metres per dwelling) should be provided communally within the building’s curtilage and within easy view of the dwelling.”

S5A.4 Amenity Space for Non-Family Dwellings Not at Ground Level

“In the case of non-family dwellings located above ground floor level a balcony of not less than 3 square metres (32 square foot) should be provided to each dwelling. The remaining open space required i.e. 11 square metres (118 square feet) should be provided communally elsewhere within the development’s curtilage.”

S7.1 Developments on Sites over 0.2 Hectares

“All new residential developments which contain flats on sites which have a gross area exceeding 0.2 hectares (0.5 acres), and which include accommodation for at least 10 children, shall also include at least one appropriately equipped play area.”

- 8.2.15 The planning application for the ‘LBHF Site’ includes three main areas of public accessible open space – Creekside Park, Creekside Gardens and Riverside Square, together with routes which connect to the adjoining development to the riverside and to the creekside, and give access to individual buildings within the site. These three main areas of open space within the proposed development, which will be accessible to the public, are described in more detail in the evidence of Mr Tully at paragraphs 2.2 and 2.8, but can be summarised as follows:

(vii) *Creekside Gardens and Creekside Park*

These two areas of open space on the ‘LBHF Site’ are a central part of the landscape scheme, intended to revitalise Chelsea Creek and its connection with the River Thames. These gardens would incorporate a remodelled Creek as a central feature and enable pedestrians and residents to walk freely around the site except areas where wildlife would be disturbed. The principal area of the gardens would be set between the confluences of the two proposed Power Station bridges, and is intended to be pivotal to the

street network serving the main areas of development. The area occupied by Creekside Gardens would be 0.2ha, while the linear Creekside Park would be 0.3ha.

(viii) *The Riverside Square*

This area of open space of 0.4ha on the 'LBHF Site' would overlook the Thames and is intended to be a traditional formal area with trees bordering a fine lawn with seating, distinguishing it from the naturalistically designed Creekside Gardens, and complementing the predominantly hard streetscape of the existing Chelsea Harbour.

(ix) *Children's Play Area*

It is proposed to provide on the 'LBHF Site' a play activity zone of 204m² set in a playground area 315m². It is intended to incorporate at least four items of play equipment developed to suit an average age range of 2 to 8 years.

(x) *The Power Station Street and Plaza*

This area within the Power Station on the 'RBKC Site' covers an area of 0.7ha which would be hard landscaped using high quality materials, such as terracotta and vitreous tiles and planting of temperate trees.

8.2.16 The Section 106 obligation sets out a timetable for the construction of a Riverside Walk, and the completion of Creekside Gardens, Creekside Walk and the children's playspace.

8.2.17 At figure 4.1 (page 100) of the UDP is provided a map of *Open Space Deficiency*, which includes the 'LBHF Site'. It appears that the basis of the preparation of Figure 4.1 emanates from a study undertaken in 1998 by LBHF. The methodology adopted by LBHF in identifying areas of open space deficiency was undertaken in four stages:

Step 1: 400 metre catchment areas were drawn from any public open space defined as a Local Park (2ha – 20ha).

Step 2: Barriers such as roads and railway lines were then taken into account as barriers to access.

Step 3: 400m boundaries were then drawn round areas defined as Small Local Parks (0.2ha – 2ha), provided they have seating and play areas.

Step 4: The results of the borough's Parks and Open Spaces Survey of Residents 1996 were then taken into account. For those small local parks used by very few local residents, the catchment area was reduced to 280m or removed.

8.2.18 At paragraphs 6.44 to 6.53 of the report of the Director of Environment (CD35) a calculation of 'public open space' within the proposals is undertaken. In this regard, it ought to be remembered that the proposals are for open space accessible to the public, and not 'public open space' as per the definition in the UDP and PPG17. At Paragraph 6.51, the Director of Environment calculates that the overall figure of the total area of open space that would be provided in the scheme is 0.52 ha, and that 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"*, that is Policy 22A.

8.2.19 In the following paragraphs, the Director of Environment concludes as follows:

"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 will 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

8.2.20 Policy EN27 identifies nature conservation areas, and at Figure 4.2 and Appendix 4.5 of the UDP Site M31 is defined as *"The River Thames with its foreshore drawdocks and inlets – including Chelsea Creek (70 hectares)"* which includes part of the 'LBHF Site'. Site M31 is stated to be within an Area of Metropolitan Importance, and is described as follows:

"As tidal (and largely) freshwater the Thames is a habitat for wild fowl, wading birds, gulls, fish and invertebrates. Unfortunately the towpath here is on the south side of the river. The area also includes Chelsea Creek, which has a remnant tidal mudflat."

8.2.21 Policy EN27 states that development will not be permitted unless *"the proposed development would release a site for built development needed to realise a qualitative gain for the local community in pursuance of other physical, social and economic regeneration objectives of the UDP, and measures are included for the protection and enhancement of any substantive nature conservation interest that the site may have ..."* As is considered elsewhere in my evidence, the proposals will achieve physical, social and economic regeneration objectives which satisfy the requirements of the relevant policies of the UDP. The evidence of Mr Arthur, at section 2, demonstrates that the Circadian proposals will secure lasting improvements for the nature conservation, ecology and biodiversity of the Thames foreshore and Chelsea Creek. As he explains, the proposals are fully compliant with the requirements of Policy EN27.

River and Canal Policies

8.2.22 Policy EN31 identifies a number of *"important views along, across, and from the river."* Relevant and representative viewpoints are considered in the evidence of both Sir Terry Farrell (sections 3.4 and 3.5) and Professor Tavernor (section 5). Their conclusions are that the proposals would not cause harm to views from these respected viewpoints, and, to the contrary, the quality of the views from these vantage points would be enhanced.

8.2.23 Policy EN31X states that *"Development will not be permitted within the Thames Policy Area unless it respects the riverside context, is of a high standard of urban design and maintains or enhances the quality of a built environment."* I am able to conclude, drawing on the evidence of Sir Terry Farrell (sections 3, 4 and 5) and Professor Tavernor (section 4) that the proposals are undoubtedly of a high

standard of urban design, and would significantly enhance the quality of the built environment along this part of the River Thames. The proposals would also meet the objectives of the second limb of **Policy EN31X** which states that schemes which are of a high standard of urban design and contribute to an attractive, safe and interesting riparian environment will be welcomed by the Council.

- 8.2.24 **Policy EN31A** states that *"the Council will seek to preserve and enhance the special character of the nature conservation and open space aspect of the Thames Corridor and the quality of the natural environment of the Thames Policy Area with particular regard to ... the river's value as a Nature Conservation Area of Metropolitan Importance."* I go on to say in Section 14.0 of my evidence, when considering the advice given in PPG15, that I am able to conclude that the proposals would enhance the special character of the nature conservation and open space aspect of the Thames Policy Area, having regard to the conclusions of Professor Tavernor at paragraphs 5.19 and 5.20 of his evidence, with which I agree.
- 8.2.25 **Policy EN32** states that *"development will no be permitted if it would result in the loss of existing facilities in the river for water-based activities and uses."* There are at present no water-based activities associated with *The Site*. The proposals will transform the Creek to become a central feature and amenity of the development which will provide the potential for new water-based activities.
- 8.2.26 **Policy EN33** under the heading *Development of Riverside Sites* states that development will not be permitted on riverside sites if it would prejudice the continuation of, or result in the extinguishment of, existing uses that have a functional relationship with the river. The policy also states that *"The inclusion, in development proposals of new uses that have a functional relationship with the river, particularly where these increase public access to the river, will be welcomed, provided they are compatible with the character of the river and riverside and accord with other objectives and policies of the Plan."* The proposals are clearly compliant with this policy of the UDP.
- 8.2.27 **Policy EN34** promotes a continuous riverside walk and safeguards sites from development that are likely to prejudice its construction and completion. The policy states that the riverside walk should generally be at least 6m wide, and should be accessible to cyclists if this can be achieved without risk to the safety of pedestrians or river users. The proposals are compliant with **Policy EN34** insofar as that the scheme provides for a continuous riverside walk through the development, a commitment which is confirmed in the Section 106 obligation.
- 8.2.28 The proposals also comply with **Policy EN34A** which requires that safe access to and from the foreshore is maintained or, where appropriate enhanced. The proposals incorporate works to the existing bed of Chelsea Creek which have resulted from consultation with LBHF and the Environment Agency in order to ensure, amongst other things, that the Creek remains tidal; is not subject to excessive siltation; and there is no loss of flood capacity. In other words, the proposals will have no material effect on the foreshore, but are likely to have a significant ecological benefit.
- 8.3.0 **Chapter 6 - Housing**
- 8.3.1 **Policy G5** requires that the quantity of the borough's housing stock will be increased and its quality improved, ensuring a choice of accommodation including for those on low incomes. This policy requires provision to be made to meet the strategy dwelling requirement for the completion of at least 4,950 dwellings between 1992 and 2006, and 1,900 additional dwellings in the period to 2016. These strategic targets, as set out in the adopted UDP, have been superseded by the guidance provided in the London Plan which for LBHF shows a requirement for additional homes between 1997 – 2016 to be a

total target of 8,040 dwellings. On the 'LBHF Site', the proposals, as amended in October 2004, involve 382 dwellings in total, which will make a significant contribution to the strategic target for LBHF as set out in the London Plan.

Affordable Housing

8.3.2 At paragraph 6.72 of the UDP, it is stated that the overwhelming need for additional housing in the Borough is for affordable housing. Paragraph 6.73 indicates that in order to meet the need for affordable housing, it is essential that applications for wholly residential schemes provide the maximum reasonable proportion of permanently available affordable housing.

8.3.3 **Policy HO5** under the heading *Affordable Housing* states 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 that includes residential use. It is also stated that the proportion of affordable housing will be determined having regard to the overall level and type of local need at the time of the application, and the overall monitoring target of 65% of all new housing is to be affordable.

8.3.4 At paragraph 6.72 of the UDP it is stated that the overwhelming need for additional housing in LBHF is for affordable housing. At paragraph 6.73 it is stated that *"In order to meet the need for affordable housing, it is essential that applications for wholly residential schemes provide the maximum reasonable proportion of permanently available affordable housing."* At paragraph 6.74 it is stated that the amount of affordable housing that should be provided on a particular site needs to be considered in light of a number of factors to include:

"... the number of housing units that can be built; the method of provision and the financial arrangements, in particular the availability of subsidy at the appropriate time for Registered Social Landlord accommodation; the market conditions affecting land costs; and the extent to which the development would be expected to fund public transportation improvements and other facilities related to the development."

8.3.5 Paragraph 6.76 of the UDP also provides the following guidance:

"The size and type of affordable dwellings within any residential scheme should reflect local housing need as well as the suitability of an individual site. The Housing Needs Survey and the council's Housing Register will therefore both be material in determining a suitable mix of size and type of dwelling."

8.3.6 I would emphasise that **Policy HO5** of the UDP, in seeking to achieve the maximum reasonable proportion of affordable housing in any development, is not prescriptive in terms of the actual quantum sought, but allows negotiation on the amount to be achieved having regard to the circumstances and factors applicable to each development. I would point out that the proportion of affordable housing included in the original application, at 54% of the total amount of residential units to be provided, followed detailed discussions with officers and Members at LBHF, in accordance with the requirements and guidance provided in **Policy HO5** of the UDP.

8.3.7 In formulating its proposals for affordable housing to be included in the scheme, Circadian took full account, in considering the size and type of affordable dwellings, of local housing need as reflected in the Housing Needs Survey and the Council's Housing Register. Following amendments to the scheme made in October 2004, the proportion of affordable housing in the scheme has now risen to 56% for reasons explained at paragraph 8.3.12 of my evidence.

Housing Mix and Special Needs

- 8.3.8 Policy HO6 under the heading *Housing Mix and Special Needs* states that development for 20 or more dwellings will only be permitted if 10% of the units are suitable for wheelchair users, a mixture of units provides to meet the needs for family and non-family households and for other groups with special needs.
- 8.3.9 In the report of the Director of Environment to the Planning Applications Committee (CD35) it is acknowledged, at paragraph 6.23, that there has been an improvement on the proposals in the earlier planning application and that *"the current application represents an enhancement both in terms of the quality and quantity of affordable housing proposed."* At paragraph 6.25 it is stated that there would be 443 bedrooms within the affordable housing units which is a significant increase of the earlier scheme where the corresponding figure was 362. It is stated at paragraph 6.26 that this increase arises primarily from the *"higher proportion of family housing that the applicant has included within the current scheme."*
- 8.3.10 At paragraph 6.29 of the report it is concluded that officers consider that *"The scheme now represents an appropriate mix of housing 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 be contributed to the provision of housing for those who are recognised to be in the most acute need of housing in the Borough."*
- 8.3.11 The development of the 'LBHF Site', as now proposed in the October 2004 amended scheme, proposes in total 382 residential units of which 213 would be affordable homes, representing 56% of total provision. Of these affordable units, 177 units are intended to be for social housing (RSL rented), and 36 for 'intermediate' accommodation. The amendments made to the planning application in October 2004 have resulted in some changes to the housing type and mix of affordable homes, when compared to the 2002/03 application. The changes between the schemes are shown in detail at **Appendix 2** to my evidence, and summarised below in terms of the affordable housing content of the scheme now proposed:

2002/03 Application	October 2004 scheme
1 x studio	1 x studio
69 x 1 bedroom	66 x 1 bedroom
79 x 2 bedroom	81 x 2 bedroom
49 x 3 bedroom	47 x 3 bedroom
12 x 4 bedroom	14 x 4 bedroom
4 x 5 bedroom	4 x 5 bedroom
TOTAL 214 units	TOTAL 213 units
TOTAL 443 bedrooms	TOTAL 446 bedrooms

- 8.3.12 As shown above, the October 2004 amended scheme contains some minor changes to the proposed housing mix. The letter from Addleshaw Goddard submitting proofs of evidence to the Planning Inspectorate, contains an explanation as to why it was necessary for Circadian to make alterations to the

previously submitted scheme. However, in brief the reasons for changes made to the type and mix of affordable homes has occurred as a result of the following factors:

- (a) discussions with English Heritage, which have resulted in the loss of 1,805 sq m of floorspace in the Power Station;
- (b) a complete reassessment of the daylighting standards for all apartments in the scheme; and
- (c) a review of the internal layouts of the affordable housing units to ensure they meet the scheme development standards as required by the Housing Corporation.

8.3.13 In terms of the number of bedrooms proposed for the affordable housing units, the October 2004 amended scheme proposes 446 bedrooms, compared to the 443 within the 2002/03 application. The Section 106 obligation proposes a number of detailed requirements on Circadian in respect of the provision and delivery of affordable housing units. The draft Heads of Terms of the obligation considered by the Planning Applications Committee on 25 June 2003, provided that *"184 units shall be affordable rented and 30 shall be key worker."* Following amendments to the application in October 2004, the total number of affordable rented units has now been reduced to 177, although the original obligation to provide 30 units for key workers is unaffected by the amended application, as the number of 'intermediate' units has risen from 30 to 36.

8.3.14 As I have explained, amendments to the application have resulted as a matter of necessity following the updating of the scheme to meet the requirements of English Heritage, and to ensure compliance with daylighting standards, and scheme development standards for social housing as required by the Housing Corporation. The report by David Parker, at **Appendix 10** to my evidence, confirms, at paragraph 3.4 that the changes made to the type and mix of affordable homes in October 2004 accord with the predominant demonstrated housing need. Although these amendments have resulted in some changes to the overall quantum and mix of social housing previously considered by officers and Members at LBHF, I do not consider the adjustments to the scheme to be such as would have led to any different conclusion or judgment being expressed by officers in support of the scheme.

8.3.15 Having regard to the above matters, I am satisfied that the proposals for the quantum and type of affordable housing proposed for the 'LBHF Site', in conjunction with the commitments in the Section 106 obligation now proposed, ensure that the scheme does conform with the requirements of **Policy HO5** and **Policy HO6** of the UDP, as confirmed by the Director of Environment in the Committee Report at paragraph 6.29 (CD35).

Residential Density

8.3.16 **Policy HO7**, under the heading *Residential Density*, states that residential development will be permitted only if it accords with the standards set out in development **Standard S2**, or for higher density if a number of criteria are satisfied. **Standard S2 Density** (at page 332 of the UDP) states that the density of new residential development shall normally not be less than 173 hr/ha and not more than 247 hr/ha. **Policy S2.2** under the heading *Family and non-family dwellings* states that:

"Within this range the density appropriate for each scheme will depend in particular on the types of accommodation to be provided. Where only family dwellings are proposed the density should not normally exceed 210 hr/ha and in the case of non-family housing the maximum figure should not exceed 247 hr/ha. Where a mix of family and non-family dwellings is proposed the maximum density shall be between 210 hr/ha and 247 hr/ha proportionate to the number of family and non-family dwellings."

8.3.17 The proposals for the 'LBHF Site' would result in a density of 485 hr/ha based on a total provision of 1,252 habitable rooms in the October 2004 amended scheme (Appendix 3). This compares to a density of 484 hr/ha in the 2002/03 application, based on a scheme comprising 1,249 habitable rooms. In any event, the density of both schemes exceeds the maximum density referred to in Standard S2. Therefore, in those circumstances, the criteria of Policy H07 require to be satisfied in the case of higher density development, which I now consider.

Criterion (a) *"The design and layout of the scheme is such that it can make more efficient use of land without compromising environmental quality"*

8.3.18 The design of the proposal makes efficient use of the land whilst also maximising permeability across the site, adopting the principles of good design as described at paragraph 6.4.10 in the evidence of Sir Terry Farrell, and being appropriate in townscape terms, as demonstrated at section 5 in the evidence of Professor Robert Tavernor.

Criterion (b) *"The scheme would not be deficient 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."*

8.3.19 As I have already said in paragraphs 8.2.12 to 8.2.21 of my evidence, the proposals satisfy other UDP requirements for the provision of open space in the development.

Criterion (c) *"Existing services and facilities would have sufficient spare capacity to accommodate the increased demands that higher density development would place upon them."*

8.3.20 The main areas of demand upon the Borough's services and facilities from the proposed development would fall upon the education and health facilities associated with the development. It is intended as part of the wider development to introduce a doctor's surgery as well as local shops in the Power Station Building on the 'RBKC Site', which would address the requirement of the development as a whole. However, the Section 106 obligation for LBHF contains a provision, relating to *Health and Educational Services* which states that 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"*. It is also provided in the Section 106 obligation that 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.

Criterion (d) *"There would be no increase in on-street parking demand."*

8.3.21 The proposal involves 175 car parking spaces for the 181 open market dwellings, and 92 car parking spaces for the 213 affordable housing units. The Section 106 obligation contains a provision that residents of the development on the 'LBHF Site' will be prevented from obtaining on-street parking permits issued by the Council. Therefore, there would be no increase in on-street parking demand as explained in more detail by Mr Walker at paragraphs 7.6 to 7.11 of his the evidence.

Criterion (e) *"In relation to the scale of the proposed development, there would be convenient existing or proposed access to and from the site a range of transport modes including public transport, walking and cycling."*

8.3.22 The Section 106 obligation contains 15 separate commitments for the funding and/or provision of public transport improvements in LBHF. In summary, there are a number of payments related to the provision or improvement of bus services; improvement and provision of cycle facilities in the area; a package of pedestrian safety measures; improved passenger facilities and signage to enhance a river bus service; provision of a Green Travel Plan and travel plans for six schools; streetscape improvements; and a highway junction improvement. In addition there is a contribution of £1m for the construction of the Chelsea Harbour Station on the West London line upon request by the Strategic Rail Authority. All of these commitments in the Section 106 obligation are explained in more detail at paragraph 2.13 of the evidence of Mr Walker. He concludes that the proposed transport infrastructure and arrangements, secured by the Section 106 obligation, will ensure that the proposals are highly sustainable in transport terms, and will ensure that Criterion (e) above is satisfied in relation to there being a convenient range of transport modes available for residents on the LBHF site.

8.3.23 It is to be noted that in the report of the Director of Environment (CD35) it is acknowledged at paragraph 7.2, in the context of the consideration of **Policy HO7** of the UDP and **Standard S2**, that "... *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.*" At paragraph 7.4 of the report it is stated as follows:

"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."

8.3.24 In his report (CD35) the Director of Environment undertakes an analysis of the proposals against the criteria of **Policy HO7**, and his conclusions are set out at paragraph 7.81 of the report, following which it is stated that *"on the basis of this assessment officers consider that the proposals accord with Policy HO7 of the UDP alterations."*

8.3.25 From the above analysis, I am able to conclude that the proposals satisfy the requirements of **Policy HO7** for higher density development above the normal standards applied in **Standard S2** of the UDP. As indicated in paragraph 8.3.24 above, LBHF has no objection to the residential density proposed in the Circadian scheme.

8.3.26 In relation to the matter of density, it is important to recognise that the 'LBHF Site' is a large brownfield site in need of regeneration for the benefit of the local community. It is a fundamental tenet of both national and regional policy that full and effective use must be made of previously developed urban land for the purposes of increasing the nations housing stock. It follows that such sites need to be developed intensively, commensurate with other planning and environmental requirements, at locations which are also sustainable. The 'LBHF Site' is such a location, and the proposals in formulating a high density development are to be regarded as consistent with all relevant planning policy on this matter. Development proposals at high density ensure the full and effective, and sustainable, use of scarce

brownfield land in Central London, which is to be regarded as a major benefit of the proposed development.

8.4.0 Conclusions on LBHF UDP

- 8.4.1 From the above analysis, I am able to conclude that the proposals conform with all the relevant policy requirements of the LBHF UDP applicable to this development. This conclusion, as I understand it, is shared by LBHF.

9.0.0 CALL-IN ISSUE (b) – RELATIONSHIP OF THE PROPOSED DEVELOPMENT TO THE RELEVANT POLICIES AND PROVISIONS OF THE LONDON PLAN IN PARTICULAR THOSE CONCERNED WITH DEVELOPMENT AFFECTING THE THAMES

9.0.1 In this section of my evidence, I consider the proposals contained in the Circadian planning applications for the 'RBKC Site' and the 'LBHF Site', against those strategic planning policies of the London Plan which fall within the scope of my evidence, as previously identified in Section 7.0 of my evidence.

9.0.2 In doing so, I refer to the formal views of The Mayor on the Circadian applications as set out in a letter dated 20 August 2003 (CD190) to LBHF, and to GLA reports to The Mayor on this matter, namely planning report PDU/0066/04, dated 20 August 2003 (CD188), and an earlier report PDU/0066/02 dated 26 February 2003 (CD189).

9.0.3 Before considering in detail the relevant policies of the London Plan, it is important to note that The Mayor, at the time of the consultation response, expressed full support for the proposals for the reasons summarised in his letter of 20 August 2003 (CD188).

"The site is one of a few large opportunity sites in Central London that could deliver a significant contribution to the draft London Plan's housing target. 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 towards these projects through Section 106 contributions and the proposed overall increase in funding for transport improvements is welcomed.

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 housing and private housing on the site. The design of the scheme is of 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 RBKC 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 design quality is of high quality.

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

9.0.4 Since the date of The Mayor's formal response on the applications, the London Plan has been adopted, and has become part of the development plan. Although minor amendments have been made to the Circadian proposals, as set out in the letter of 25 October 2004 (CD2 and CD3), I am not aware of any substantive matter which has changed so as to alter the views of The Mayor on these applications. As I understand it, the proposals remain fully supported by The Mayor.

9.1.0 Chapter 2A - The Overall Strategy

9.1.1 In chapter 2 of The London Plan under the heading *The Overall Strategy*, it is stated at paragraph 2.6 that all policies in the plan promote sustainable development. **Policy 2A.1**, under the heading *Sustainability Criteria* sets out a number of criteria which The Mayor will take into account when planning applications are referred to him:

- Optimising the use of previously developed land and vacant or under-used buildings.
- Ensuring that development occurs in locations that are currently, or are planned to be, accessible by public transport, walking and cycling.
- Ensuring that development occurs in locations that are accessible to town centres, employment, housing, shops and services.
- Ensuring that development takes account of the capacity of existing or planned infrastructure including public transport, utilities and community infrastructure, such as schools and hospitals.
- Taking account of physical constraints on the development of land, including, for example, flood risk, ensuring that no significant harmful impacts occur, or that such impacts are acceptably mitigated.
- Taking account of the impact that development will have on London's natural resources, environmental and cultural assets and the health of local people.
- Taking account of the objectives of preventing major accidents and limiting their consequences.
- Taking account of the suitability of sites for mixed use development and the contribution that development might make to strengthening local communities.

9.1.2 The above criteria have been taken into account in the formulation of the Circadian proposals by the Terry Farrell Partnership in the preparation of the Architectural Masterplan, and in designing the detailed components of the scheme. In his evidence, Sir Terry Farrell refers to those elements of 'design progression' which will follow, in the event that planning permission is granted, which will ensure that the completed development achieves the objectives of The Mayor in promoting sustainable development.

9.2.0 Section 3A – Living in London

9.2.1 **Policy 3A.1** of the London Plan states that it is The Mayor's objective to seek the maximum provision of additional housing in London towards achieving an output of 30,000 additional homes per year from all sources. **Policy 3A.2** sets borough housing targets, with the advice that UDP policies should seek to exceed the borough targets set out in Table 3A.1. **Policy 3A.2** also places emphasis on the fact that UDP policies should, amongst other considerations, have regard to the "*change of use of unneeded industrial/employment land to residential or mixed use development*" and the "*intensification of housing provision through development at higher densities particularly where there is good access to public transport.*" As recognised by The Mayor, 'The Site' is one of only a small number of large opportunity sites in Central London that can deliver a significant contribution to meeting the housing targets as set out in the London Plan.

9.2.2 **Policy 3A.4**, under the heading *Housing Choice* states that boroughs should take steps to identify the full range of housing needs within their area and policies should seek to ensure that new developments offer a range of housing choices. The proposed residential mix of the development is summarised in the third table at **Appendix 2** to my evidence.

9.2.3 It is stated, at paragraph 15 of the GLA report (CD189), that "*the provision of a mix of affordable units and in particular family sized units is welcomed.*" Therefore, I am of the view that the Circadian proposals in terms of the range of housing proposed in the 2002/03 application, together with the mix of units, conforms with **Policy 3A.4**, which has been accepted by the GLA (CD189). Although there are changes to the proposed housing mix as proposed in the October 2004 amended scheme, the amendments are not significant.

- 9.2.4 There are only minor changes to the mix of accommodation proposed for the 'LBHF Site'. For the 'RBKC Site' there are more significant changes to the housing mix with an increase in small dwellings (one and two bedroom accommodation), and a decrease in three and four bedroom units. These changes have been necessitated following (i) further consultation with English Heritage with regard to the interior of the Power Station; (ii) a reassessment of daylighting standards for all residential apartments; and (iii) a review of the internal layouts of the affordable housing units to ensure they meet scheme development standards as required by the Housing Corporation. The report by David Parker, at **Appendix 10** to my evidence, confirms, at paragraph 3.4 that the changes made to the type and mix of affordable homes in October 2004 accord with the predominant demonstrated housing need. Although no formal views have been expressed by the GLA in the context of the October 2004 amended scheme, the adjustments to the housing mix, are, in my view, not as such to warrant any different conclusions being expressed by The Mayor.
- 9.2.5 **Policy 3A.5** encourages proposals for large residential developments in areas of high public transport accessibility, including the provision of suitable non-residential use within such schemes. Although The Mayor takes the view in (CD189) that the site has relatively poor public transport accessibility at the moment, he goes on to say that *"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 Mayor also states that he would expect the developer to make a significant financial contribution to these projects through a Section 106 obligation, and that the proposed overall increase in funding for transport improvements is welcomed. An evaluation of the transport accessibility of 'The Site' is undertaken in the evidence of Mr Walker, at paragraphs 2.21 to 2.34, in which he explains how accessibility to the site will be significantly improved through the package of transport related contributions set out in the Section 106 obligation.
- 9.2.6 Mr Walker, at paragraph 2.37 of his evidence, explains that 'The Site' is currently to be considered in terms of accessibility as PTAL Level 2. He indicates in the same paragraph of his evidence that the construction of the new Chelsea Harbour station on the West London line, in association with the Imperial Wharf development, planned to open in 2005, will increase the PTAL index of 'The Site' to Level 3. Mr Walker also explains at paragraph 2.46 of his evidence that when account is taken of the access to the underground station at Fulham Broadway, and the 40 buses per hour passing along Battersea Bridge, the PTAL index of the site would increase to Level 4. As previously indicated, the Section 106 obligation to LBHF provides for a contribution of £1m to the Strategic Rail Authority to enable the construction of the new Chelsea Harbour station. Mr Walker explains at paragraph 2.38 that the package of public transport improvements in the Section 106 will increase the PTAL of the site to Level 4.
- 9.2.7 At paragraph 9.24 of his evidence, Mr Walker points out that there are at present no bus stops on the southern section of Lots Road or along parts of the proposed Embankment bus route, but new bus stops will be provided in these locations to serve the new C3 bus service which would be delivered through the Section 106 obligation. He states in paragraph 2.37 that the PTAL index would increase from Level 2 to Level 3 with the introduction of the new Chelsea Harbour Station, and that with the station open, it would increase the PTAL to a Level 4 (paragraph 2.40). With the allowance for the underground station at Fulham Broadway and the bus routes on Battersea Bridge, Mr Walker at paragraph 2.46 considers that this would increase the PTAL index to Level 5 both without and with the new Chelsea Harbour Station.
- 9.2.8 Through the implementation of the transport related proposals, I am satisfied that 'The Site' will achieve high public transport accessibility to satisfy the requirements of **Policy 3A.5**. It is also to be noted that the second limb of **Policy 3A.5** requiring the provision of non-residential uses within large residential

- developments is satisfied by the proposals in terms of the mixed use development to include retail, Class B1 uses, community, leisure and health provision.
- 9.2.9 With regard to affordable housing, **Policy 3A.7** of the London Plan indicates that The Mayor's strategic target is that 50% of housing provision from all sources should be affordable, and that the London wide objective is that 70% should be social housing and 30% intermediate provision, together with the provision of mixed and balanced communities.
- 9.2.10 In July 2004, The Mayor published Draft Supplementary Planning Guidance on Affordable Housing (**CD182**), which is intended to give guidance on the application and implementation of policies on affordable housing in the London Plan. At paragraph 2.2 of the Draft SPG, it is stated that London has an acute shortage of affordable housing, and that the London Plan includes an estimate of an overall shortfall of unmet need for affordable housing provision at 112,200 households. In addition, it is also stated at paragraph 2.2 that 22,400 new homes are needed a year to meet the projected growth in household population. Also, in the same paragraph it is indicated that the requirement for affordable housing, (both social rent and intermediate provision) including meeting the backlog over ten years, has been estimated to be 23,300 additional homes per year.
- 9.2.11 **Policy 3A.8** under the heading *Negotiating Affordable Housing in Individual Private Residential Mixed-Use Schemes* states that the boroughs should seek the maximum reasonable amount of affordable housing when negotiating on individual private residential and mixed use schemes. In the explanatory text to **Policy 3A.8**, it is stated at paragraph 3.41 of the London Plan that in estimating provision from private residential or mixed use developments, boroughs:
- "...should take into account economic viability and the most effective use of private and public investment, including use of financial contributions. The development control toolkit developed by the Three Dragons and Nottingham Trent University is one mechanism that will help. Boroughs should take account of the individual circumstances of the site, the part of the borough in which the site lies, the availability of public subsidy and other scheme requirements."*
- 9.2.12 It is also stated at paragraph 3.42 of the London Plan that *"some sites are capable of achieving more towards meeting the overall 50% Londonwide affordable housing target and some less. It is recognised that in most cases some level of subsidy will be necessary to achieve the maximum outturn, the exception being the highest value sites, where the desired level of affordable housing can be funded entirely from development value."*
- 9.2.13 Therefore, the thrust of the advice and policy objective emanating from **Policy 3A.8** is that boroughs should negotiate affordable housing provision based on the affordable housing target in the London Plan of 50% of provision to be affordable, but this target should be applied flexibly and take account of individual site costs, the availability of public subsidy and other scheme requirements. This advice has been undertaken in practice by Circadian in discussions with both LBHF and RBKC
- 9.2.14 The GLA report (**CD189**), at paragraph 14 acknowledged, that of the total of 817 units in the Circadian scheme, 382 are proposed to be affordable, which is about 47% of the total. The October 2004 amended scheme now proposes a total of 802 units of which 378 will be affordable, which remains about 47% of the total, that is the same amount as previously considered by the GLA (**CD189**). In terms of the individual applications, there are 420 units proposed for the 'RBKC Site' of which 165 (39.3%) will be affordable. For the 'LBHF Site' there is proposed a total of 382 units, of which 213 (56%) will be affordable.

9.2.15 At paragraph 19 of the GLA report (CD189) it is stated that the increase in affordable housing over the earlier scheme is welcomed, and moves the proposals closer to the then draft London Plan target for the boroughs concerned of 50%. It is then stated that *"This is a significant strategic gain to London housing needs."* Therefore, it is confirmed by The Mayor that the proposals comply with the strategic requirements of **Policy 3A.7** in terms of affordable housing targets, and also in relation to **Policy 3A.8**. Although there are minor changes to the scheme, the overall provision of affordable housing, at 47% of the total, remains the same previously considered by the GLA and The Mayor.

9.2.16 Accordingly, I am able to conclude that the current proposals are fully compliant with strategic policy on the provision of affordable housing.

9.3.0 Section 3D – Enjoying London

9.3.1 **Policy 3D.11** requires boroughs to produce open space strategies to protect, create and enhance all types of open space in the area. The policy also states that boroughs should undertake audits of existing open space and assessments of need in their area, in accordance with the guidance given in PPG17, and that in doing so they should have regard to the cross-borough nature and use of many open spaces in London. In the supporting text at paragraph 3.253 it is stated that *"opportunities for creating new public open spaces should be promoted where possible, targeting areas of deficiency and Areas for Regeneration."*

9.3.2 I consider in detail the open space provision in the proposals in other sections of my evidence, in particular in Section 8.0 in considering the application for the 'LBHF Site' in respect of the LBHF UDP; Section 12.0 in considering the advice given in PPG17; and in Section 16.0 against the relevant policies of the RBKC UDP. The 'LBHF Site' is located within an area of open space deficiency, as defined in the LBHF UDP, but the 'RBKC Site' is not. However, the provision of new publicly accessible open space, as proposed by Circadian, and guaranteed through the Section 106 obligation, serves to ensure that the proposals are fully compliant with **Policy 3D.11** of the London Plan.

9.4.0 Section 4B – Designs on London

9.4.1 It is stated at paragraph 4.34 that good design is central to all the objectives of the London Plan and that one of the objectives of the Plan, as stated in the same paragraph, is that *"excellence in design can also make higher densities a source of better, more varied and more sustainable environment in places of high accessibility and reduce the need for travel."*

9.4.2 **Policy 4B.1** states a number of objectives which The Mayor will seek to ensure in relation to new development as follows:

- (i) **Maximise the potential of sites** – The proposals for a mixed use residential led development, to include the conversion and regeneration of the now disused Power Station, together with the development of two residential towers, ensure that residential development is achieved to a high density commensurate with appropriate development plan standards, and that other non-residential uses to include B1, retail, community, leisure and health facilities are included within the scheme.
- (ii) **Create or enhance the public realm** – At present 'The Site' is not, and at least since 1905, has never been accessible to the general public being used as an electrical utility, since which time 'The Site' has remained derelict awaiting regeneration. The proposals provide an opportunity for creating high quality public realm in terms of the open space proposals in the scheme to

include both soft and hard landscaped areas, as well as the covered Power Station Street and Plaza within the former Power Station at ground floor level, which is to be converted to retail/restaurant use. The provision of a river walkway, and linking of the open space and both sites through the provision of three bridges across Chelsea Creek, will also make a significant contribution towards the quality and enjoyment of the public realm proposed.

- (iii) **Provide or enhance a mix of uses** – As explained above the proposals will provide a mixed use scheme of both interest and quality.
- (iv) **Are accessible, useable and permeable for all users** – As explained in the evidence of Sir Terry Farrell, at paragraph 6.3.2 (iv), the proposals have been designed around the principles of permeability and also meet the needs of people with mobility difficulties.
- (v) **Are safe for occupants and passers-by** – As explained in more detail in the evidence of Sir Terry Farrell at paragraph 6.3.2 (vi) and Mr Walker at paragraph 2.52, the proposals will meet these objectives, also secured through the Section 106 obligation to include the provision of CCTV.
- (vi) **Respect local context, character and communities** - The evidence of Sir Terry Farrell at paragraph 6.3.2 (viii) demonstrates that these criteria are met.
- (vii) **Are practical and legible** – Sir Terry Farrell demonstrates in his evidence how the proposals follow a practical and legible masterplan, which are appropriate in their context.
- (viii) **Are attractive to look at and, where appropriate inspire, excite and delight** – As considered in more detail in Section 13.0 of my evidence in considering the advice on design provided in PPG1, I am satisfied that the proposals produced by Sir Terry Farrell for 'The Site' are of high architectural quality and design, and will achieve a sense of place and civic pride on this important site on the River Thames. Testimonials to the quality of the design and landmark proposals contained in the Circadian scheme are provided by CABI (Appendix 4 and 6), English Heritage (Appendix 7), The Mayor (CD189), and in the evidence of Professor Tavernor at section 4 of his evidence.
- (ix) **Respect the natural environment** – The proposals have been designed to respect and complement the important riverside location of this site. Also, the proposals for the conservation and ecological enhancement of Chelsea Creek are consistent with The Mayor's Biodiversity Strategy as set out at Policy 3D.12 of the London Plan.
- (x) **Respect London's built heritage** – The proposals have been conceived and designed to be sensitive and complementary to the historic environment, and in this context the proposals have the support of English Heritage.

9.4.3 From the above analysis, I am satisfied that the objectives of Policy 4B.1 of the London Plan are met by the proposed development.

9.4.4 At Policy 4B.2, it is stated that The Mayor will seek to promote world-class design. At paragraph 4.41 of the London Plan it is stated that good design is rooted firmly in an understanding and appreciation of the local social, historical and physical context, including urban form and movement patterns and historic character. Paragraph 4.42 gives the following advice:

“Development proposals should show that developers have sought to provide buildings and spaces that are designed to be beautiful and enjoyable to visit, as well as being functional, safe, accessible, sustainable and inclusive for all. New building projects should ensure the highest possible space standards for users, in both public and private spaces inside and outside the building, creating spacious and usable private as well as public spaces.”

- 9.4.5 In the context of the Circadian proposals, the views of The Mayor are set out at paragraph 13 of the GLA report of 26 February 2003 (CD189), under the heading *Design – tall buildings and views* are stated as follows:

“The principal change in the scheme comprises the swapping of the two towers on the Creek. The taller 37 storey, 122m tower is now located on the Hammersmith and Fulham side of the Creek, and the lower 25 storey 85m high tower is located on the Kensington and Chelsea side. These two towers are well designed and would add positively to the London skyline. They would have a particularly dramatic presence in views along the river from the east and would enhance the setting of the Thames and the adjacent Lots Road Power Station... The treatment of the base of the towers has been further resolved with level open space at the base of both towers contributing to the permeability and progression of space through the site. The design and location of the towers meets the policies set out in the draft London Plan.”

- 9.4.6 Under the heading *Design – site layout* (also at paragraph 13) it is stated:

“The layout of the ground floor blocks has been amended so that a clear line of sight is provided through the scheme east to west. The aspiration to achieve a sightline from the Creek bridge through the centre of the scheme to the river and St Johns Church (Battersea) beyond has not been achieved although the progression of spaces and permeability of the site has been greatly enhanced. The re-planning of the scheme has produced a larger open space on the Creek opposite the power station, which does deliver a more open development, avoiding the mistakes of the Chelsea Harbour scheme. The development now knits well with the Chelsea Harbour scheme and the retained power station.”

- 9.4.7 As I shall go onto explain in more detail in Section 13.0 of my evidence, in considering design matters in the context of the advice given in PPG1, I am of the view based on the evidence of Professor Tavernor and the views expressed on this matter by other reputable authorities, principally CABI and English Heritage, that the proposals for ‘The Site’ conceived by Sir Terry Farrell do represent world class architecture and design, which more than adequately meets the objectives of The Mayor at **Policy 4B.2** of the London Plan in seeking to enhance urban landscape of London as a world class city.

- 9.4.8 **Policy 4B.3** under the heading *Maximising the potential of sites* requires development proposals to achieve the *“Highest possible intensity of use compatible with local context, the design principles in Policy 4B.1 and with public transport capacity.”* It is also stated in the same paragraph that *“The Mayor will refuse permission for strategic referrals that, taking into account the context and potential transport capacity, under-use the potential of the site.”*

- 9.4.9 The density of the scheme proposed on the ‘LBHF Site’, to include the Creek, is 153 units per hectare (u/ha) or 485 hr/ha. The comparable density on the ‘RBKC Site’ is 202 u/ha or 651 hr/ha, also to include the Creek. For ‘The Site’ as a whole, including the Creek, the density is 175 u/ha and 557 ha/hr.

- 9.4.10 **Table 4B.1** of the London Plan, under the heading *Density location and parking matrix*, indicates a range of 100 - 150 u/ha or 300 - 450 hr/ha in urban locations with PTALs of 2-3, rising to 240 - 435 u/ha or 650 - 1100 hr/ha with PTALs of 4-6 for ‘central’ locations. As previously indicated, the evidence of

Mr Walker is that given the package of transportation proposals within the Section 106 obligation, the PTAL index of 'The Site' will rise to Level 4. Accordingly, the density now proposed for 'The Site' at 557 hr/ha falls in a range above the density matrix figure for PTALs of 2-3 and below the matrix for PTALs 4-6, as confirmed at paragraph 15 of the GLA report (CD188) as follows:

"... the density is at the upper end of the matrix figure for urban sites with a PTAL of 2 – 3, and at the lower end of the equivalent figures of PTAL 4 – 6. The overall density levels are still considered to be broadly in line with the draft London Plan Density Matrix. The scheme continues to deliver a high quality development within a central London location, which has the potential to deliver both long and short term improvements to transport accessibility to the satisfaction of Transport for London, and which is designed to a high standard in terms of the quality of accommodation provided."

9.4.11 It is evident that The Mayor accepts that the proposals have been designed to achieve the highest possible intensity of use, primarily for residential development, on a site which is recognised to be only one of a small number of opportunity sites in Central London which can make a significant contribution to the housing objectives of the London Plan. Accordingly, I am satisfied that the proposals discharge the objectives of Policy 4B.3 of the London Plan.

9.4.12 Policy 4B.4 is concerned with enhancing the quality of the public realm. As indicated in paragraph 9.4.3 above, I have previously considered the matter of the enhancement of the public realm in connection with Policy 4B.1, from which I concluded that the proposals would represent a significant improvement to the public realm in the Chelsea area. In summary, this will be achieved through the comprehensive and integrated development of both the 'RBKC Site' and the 'LBHF Site', which will be linked in a cohesive manner through the provision of three footbridges across the Chelsea Creek, and by bringing about increased permeability to the immediate hinterland of 'The Site'. The nature and quality of the public realm to be created will be diverse in terms of green areas of publicly accessible open space, linked by walkways and bridges; the provision of footpaths adjacent to the River Thames and Chelsea Creek; and the creation of an enclosed ground floor street and plaza within the Power Station, which will comprise a vibrant public space involving small businesses, shops and restaurants.

9.4.13 The proposals, in my view will also create an inclusive environment, which the aim of Policy 4B.5 of the London Plan. In this policy The London Plan advocates that the following principles should be incorporated into developments:

- "
- *can be used easily by as many people as possible without undue effort, separation or special treatment.*
 - *Offer the freedom to choose and the ability to participate equally in the development's mainstream activities.*
 - *Value diversity and difference."*

9.4.14 The policy also requires that developments need to demonstrate how the principles of inclusive design, including the specific needs of disabled people, have been integrated into the proposed development. This matter is demonstrated in the evidence of Sir Terry Farrell at paragraph 6.3.6. Accordingly, I consider that the proposals will create an inclusive environment to discharge the requirements of Policy 4B.5.

9.4.15 Policy 4B.8, under the heading *Tall buildings – location* is a policy which expresses a general presumption to promote the development of tall buildings where they can *"create attractive landmarks*

enhancing London's character, help to provide a coherent location for economic clusters of related activities and/or act as a catalyst for regeneration and where they are also acceptable in terms of design and impact on their surroundings.

- 9.4.16 It is to be noted that **Policy 4B.8** is not specific in terms of preferred locations in London for tall buildings, but the policy is framed in a more general and liberal manner in the sense that it is a promotional policy for the development of tall buildings where they create attractive landmarks enhancing London's character. However, the policy is locational in certain respects. First, it refers to the development of tall buildings as providing a coherent location for economic clusters of related activities. Second, is the statement that tall buildings may act as a catalyst for regeneration, which is entirely apposite to the proposals. 'The Site' is without question an important derelict brownfield riverside site, and the proposals will achieve a single comprehensive mixed use development bringing forward significant benefits and advantages not only for the locality, but London generally.
- 9.4.17 An important criterion of **Policy 4B.8** is that tall buildings should be acceptable in terms of design and impact on their surroundings. As I have already said, the proposals for 'The Site' are recognised to represent world class architecture by one of the world's leading architects, and these proposals have generally been praised independently by CABE and English Heritage. In terms of design and impact on their surroundings, the proposals have also been warmly welcomed by The Mayor (**CD189**). Accordingly, I am to conclude that the proposals, which include the development of two tall buildings on these important riverside sites, are entirely in accord with The Mayor's locational strategy and design requirements for tall buildings, as confirmed by the GLA (**CD189**).
- 9.4.18 **Policy 4B.9** effectively incorporates the key criteria of the EH/CABE Guidance on Tall Buildings and requires that *"all large-scale buildings including tall buildings should be of the highest quality design."* and satisfy the eleven criteria set out in the policy. A detailed analysis of the proposals in the context of the criteria referred to in **Policy 4B.9** has been undertaken in both the evidence of Sir Terry Farrell (paragraph 6.3.8 and 6.2.16) and Professor Tavernor at paragraphs 5.22, 6.9 and 6.10. Their evidence demonstrates, and I agree, that the tall buildings proposed for 'The Site' are of the highest quality design, and, therefore, compliant with the requirements of **Policy 4B.9** of the London Plan.
- 9.4.19 The Mayor is committed to protect and enhance London's historic environment, as stated in **Policy 4B.10**. **Policy 4B.11** under the heading *Heritage Conservation* seeks the protection and enhancement of historic assets. In particular, the policy advises that buildings of special quality or character should be protected together with the identification of opportunities for their enhancement, taking into account the strategic London context. Also, the policy seeks to encourage and facilitate inclusive solutions to providing access for all, to and within the historic environment. As considered later in my evidence, at Section 14.0, in considering the advice given in PPG15, I am able to conclude based on the evidence of Professor Tavernor that the proposals would be beneficial to the historic environment in the locality of 'The Site'.
- 9.4.20 **Policy 4B.12** under the heading *Historic conservation-led regeneration* states that The Mayor will:
- "...support schemes that make use of historic assets and stimulate environmental, economic and community regeneration where they:*
- bring redundant or under-used buildings and spaces into appropriate use*
 - secure the repair and the re-use of Buildings at Risk*
 - help to improve local economies and community cohesion*
 - fit in with wider regeneration objectives*

- *promote inclusiveness in their design*

9.4.21 The proposals have been formulated and devised around the central concept of renovating and adapting the former Power Station building. Although this building has not been considered to be suitable for listing by DCMS, English Heritage expressed, in its letter dated 19 March 2003 (**Appendix 9**), the view that the building and as many of its historic artefacts as possible should be retained in the public interest. This expression of view by English Heritage has been respected by Circadian, who have formulated proposals to retain and convert the main Power Station building into residential and commercial uses, whilst demolishing other redundant and unimportant structures previously forming part of the operational buildings of the Power Station. The fact that Circadian has responded in a positive manner to the views expressed by English Heritage, in retaining the main fabric of the Power Station worthy of preservation, is, I consider, a significant benefit of the scheme in terms of contributing to the preservation of the historic environment.

9.4.22 The evidence of Professor Tavernor (at paragraph 2.61 and Appendix RT/3 and Appendix C1 of the *Updated Environmental Statement*) is that the proposals will not have any adverse effect on the historic environment, and, conversely, will assist the preservation of London's heritage through the restoration and conversion of the Power Station to new uses, whilst the scheme generally will enhance and complement the setting of the Power Station building. Accordingly, I am able to conclude that the proposals are entirely consistent with The Mayor's policies as stated at **Policy 4B.11** and **4B.12** of the London Plan. I am of the view that the proposals would stimulate environmental, economic and community regeneration in the Lots Road area, and achieve this through bringing back into economic use a building, namely the Power Station, which is widely regarded to be an important part of the fabric of London's heritage.

9.4.23 With regard to **Policy 4B.15** under the heading *London view protection framework*, The Mayor has adopted a set of strategically important views, as defined in Table 4B.2 of the London Plan, formerly comprised in RPG3A. As is explained in the evidence of Professor Tavernor, at paragraph 2.32, 'The Site' does not lie within the list of strategically important views in Table 4B.2 as identified in **Policy 4B.15** and Map **4B.1**. Accordingly, there is no conflict with **Policy 4B.15**.

9.5.0 Section 4C – The Blue Ribbon Network

9.5.1 The Blue Ribbon Network includes the Thames, the canal network, the other tributaries, rivers and streams within London and London's open water spaces such as docks, reservoirs and lakes. **Policy 4C.1** under the heading *The strategic importance of the blue ribbon network* states that The Mayor will, and boroughs should recognise the strategic importance of the blue ribbon network when making strategies and plans and when considering planning applications.

9.5.2 In the GLA report of 26 February 2003 (**CD189**) at paragraph 28 under the heading strategic importance of *Blue Ribbon Network* it is stated that "*the proposals conform to a number of policies in the Plan but in the event of planning approval it will be important to ensure that the good intentions set out by the applicant in supporting statement to the application are realised e.g. river transport and surface drainage.*"

9.5.3 In relation to the comments expressed by the GLA above, I would point out that the Section 106 obligation provides for an annual contribution of £50,000 for a period of five years, to support an upgraded riverboat passenger service running from Chelsea Harbour Pier to Embankment via

intermediate piers during peak hours. Also, a related contribution of £30,000 towards the upgrade of passenger facilities and access to Chelsea Harbour Pier.

9.5.4 Accordingly, I am of the view that the proposed development both recognises the strategic importance of the Blue Ribbon network, and seeks to enhance it through the relevant provisions in the Section 106 obligation.

9.6.0 Conclusions on the London Plan

9.6.1 From the analysis, I am able to conclude that the Circadian proposals conform with all the relevant policy requirements of the London Plan applicable to this development. This conclusion, as I understand it, is shared by The Mayor.

10.0 CALL-IN ISSUE (c) –WHETHER THE PROPOSAL IS IN ACCORDANCE WITH PPG3 (HOUSING) (MARCH 2000)

10.1 In February 2003, the Government published a consultation paper entitled '*Supporting the Delivery of New Housing*', which proposes a revision of Annex A of PPG3, the formal revision of which is expected early this year.

10.2 In PPG3, under the heading *Widening Housing Opportunity and Choice*, there are a number of sub-policies as follows.

Providing sufficient housing

10.3 At paragraph 3 of PPG3, it is stated that one of the roles of the planning system is to ensure that new homes are provided in the right place and at the right time whether through new development or the conversion of existing buildings. It is stated that the aim is to provide a choice of sites which are both suitable and available for house building.

10.4 It is not a matter of dispute, at least between the principal parties at this Inquiry, that 'The Site' is one which is both suitable and available for house building. In fact, 'The Site', as a matter of preferred land use, is promoted for residential development as part of site specific policies within both the respective UDPs of LBHF and RBKC.

Creating mixed communities, influencing the type and size of housing

10.5 It is stated, at paragraph 10, that the Government believes that it is important to help create mixed and inclusive communities, which offer a choice of housing and lifestyle. The advice is given that local planning authorities should encourage the development of mixed and balanced communities, and that they should ensure that new housing developments help to secure a better social mix by avoiding the creation of large areas of housing of similar characteristics.

10.6 The proposals, although residentially led, do represent a mixed use scheme which will provide a range of facilities for the local community. The housing proposed as part of the development scheme will be both varied in scale and form, and through the provision of affordable housing, which is fully integrated and not separated from the private housing development, will result in a scheme which is socially inclusive.

Assessing local housing needs

10.7 The advice is given, at paragraph 12, that in determining housing requirements to meet the full range of needs, reasonable planning guidance may need to estimate the future balance between market and affordable housing, which for Greater London is now provided in the London Plan. At paragraph 13 it is stated that assessments of housing need which underpin local housing strategies and local plan policies, are matters for local authorities to undertake in the light of their local circumstances.

10.8 The housing provision within the Circadian scheme has been conceived and designed in full consultation with both LBHF and RBKC, to meet the housing needs of the area both in terms of providing low cost properties available for rent as part of a social housing commitment, as well as the provision of private accommodation to match local market requirements.

Delivering affordable housing

- 10.9 Paragraph 14 states that a community's need for a mix of housing types, including affordable housing, is a material planning consideration which should be taken into account in formulating development plan policies and in deciding planning applications involving housing. It is stated in the same paragraph that *"where there is a demonstrable lack of affordable housing to meet local needs – as assessed by up-to-date surveys and other information – local plans and UDPs should include a policy for seeking affordable housing in suitable housing developments."*
- 10.10 The advice given at paragraph 16 is that *"local planning authorities and developers should be reasonably flexible in deciding the types of affordable housing most appropriate to a particular site. The objective should be to ensure that the affordable housing secured will contribute to satisfying local housing needs as demonstrated by a vigorous assessment."*
- 10.11 The overall provision of affordable housing, representing about 47% of the total number of residential units, is considered by both LBHF, RBKC and The Mayor as being an appropriate amount of affordable housing on 'The Site' to meet local housing needs, but also having regard to other factors which should properly be taken into account, to include site costs, the availability of public subsidy and other scheme requirements.
- 10.12 Under the main heading *Maintaining a Supply of Housing*, it is stated under the sub-heading *Re-using urban land and buildings*, at paragraph 22 that *"the Government is committed to maximising the re-use of previously-developed land and empty properties and the conversion of non-residential buildings for housing, in order both to promote regeneration and minimise the amount of green field land being taken for development."* It is stated in paragraph 23 that the national target is that by 2008, 60% of additional housing should be provided on previously-developed land and through conversions of existing buildings.
- 10.13 The proposals fully satisfy Government policy as set out at paragraph 22 of PPG3, as the scheme does involve both maximising the reuse of previously developed land, and the conversion of a former industrial building, that is the Power Station, for predominantly housing use. In doing so, the development will involve the economic regeneration of these now vacant brownfield urban sites.
- 10.14 Under the main heading *Creating Sustainable Residential Environments*, it is stated at paragraph 46 that to promote more sustainable residential environments, both within and outside existing urban areas, local planning authorities should promote:
- "
- *development that is linked to public transport;*
 - *mixed use development;*
 - *a greener residential unit*
 - *greater emphasis on quality and designing places for people;*
 - *the most efficient use of land."*
- 10.15 I consider that the above objectives, as set out at paragraph 46 of PPG3 are fully reflected in the proposals.

Linking development with public transport

- 10.16 At paragraph 47 it is stated that the Government places particular emphasis on the importance of integrating decisions on planning and transport in order to reduce the need for travel by car, and that local planning authorities should seek to exploit opportunities to locate larger housing developments around major nodes along good quality public transport corridors, and seek to ensure that all housing developments are accessible by a range of non-car modes.
- 10.17 The proposals will involve, for the first time on 'The Site', public access to these riverside sites, and will ensure through the creation of publicly accessible open space and walkways ensure high standards of permeability between the hinterland to 'The Site' and the River Thames. Also, the significant public transport enhancement contributions to be made through the Section 106 obligation, will ensure that the scheme is highly sustainable in transport terms, as demonstrated at paragraph 9.32 of the evidence of Mr Walker.

Greening the residential environment

- 10.18 It is stated at, paragraph 52, that the Government attached particular importance to the 'greening' of residential environments, and advises that landscaping should be an integral part of new development.
- 10.19 The proposals through the creation of green areas of publicly accessible open space, together with environmental and nature conservation improvements to Chelsea Creek, will ensure that the proposed development has a suitable and appropriate 'green' residential environment.

Designing for quality

- 10.20 Paragraph 54 provides the following advice:

"Good design and layout of new development can help to achieve the Government's objectives of making the best use of previously-developed land and improving the quality and attractiveness of residential areas. In seeking to achieve these objectives, local planning authorities and developers should think imaginatively about designs and layouts which make more efficient use of land without compromising the quality of the environment."

- 10.21 As considered elsewhere in my evidence, principally in Section 13.0 in considering the advice on good design given in PPG1, I am able to conclude that the proposals would represent high quality design and make a significant contribution to improving the quality of the riverside environment in this location.

Making the best use of land

- 10.22 Paragraph 57 states that local planning authorities should avoid the inefficient use of land. It is stated in the same paragraph that: *"policies which place unduly restricted ceilings on the amount of housing that can be accommodated on a site, irrespective of its location and the type of housing envisaged or the types of households likely to occupy the housing, should be avoided."* The following advice to local planning authorities is provided at paragraph 58.

"

- *avoid developments which make inefficient use of land (those of less than 30 dwellings per hectare net – see definitions at Annex C);*
- *encourage housing development which makes more efficient use of land (between 30 and 50 dwellings per hectare net); 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."*

10.23 The proposals have been designed to a high density to achieve the efficient and sustainable use of this previously-used urban land within Central London.

10.24 For all the above reasons, I am satisfied that the proposals are fully compliant with the advice given in PPG3.

11.0 CALL-IN ISSUE (d) – WHETHER THE PROPOSAL IS IN ACCORDANCE WITH PPG13 (TRANSPORT) (MARCH 2001)

11.1 The Government's policy context in respect of transport is set out at paragraph 3 of PPG13:

"Land use planning has a key role in delivering the Government's integrated transport strategy. By shaping the pattern of development and influencing the location, scale, density, design and mix of land uses, planning can help to reduce the need to travel, reduce the length of journeys and make it safer and easier for people to access jobs, shopping, leisure facilities and services by public transport, walking, and cycling. Consistent application of these planning policies will help to reduce some of the need for car journeys (by reducing the physical separation of key land uses) and enable people to make sustainable transport choices. These policies are therefore part of the Government's overall approach to addressing the needs of motorists, other road and public transport users, and business by reducing congestion and pollution and achieving better access to development and facilities. They will also help to promote sustainable distribution. In this way, planning policies can increase the effectiveness of other transport policies and help maximise the contribution of transport to improving our quality of life."

11.2 It is then noted at paragraph 6 that, inter alia, planning authorities should:

- *actively manage the pattern of urban growth to make the fullest use of public transport, and focus major generators of travel demand in city, town and district centres and near to major public transport interchanges;*
- *accommodate housing principally within existing urban areas, planning for increased intensity of development for both housing and other uses at locations which are highly accessible by public transport, walking and cycling; and*
- *ensure that development comprising jobs, shopping, leisure and services offers a realistic choice of access by public transport, walking, and cycling, recognising that this may be less achievable in some rural areas."*

11.3 The proposals in terms of their compliance with PPG13 have been considered in the evidence of Mr Walker. He concludes, at paragraph 9.31 of his evidence, that the Lots Road/Chelsea Harbour area is accessible by public transport, and will become significantly more so as a result of the improved bus services being introduced by means of the Section 106 obligation. 'The Site' benefits from being within walking distance of Fulham Broadway station and bus services on Kings Road and Beaufort Street, and will in the future benefit from a new station on the West London Line.

11.4 He also expresses the view, at paragraph 9.32 of his evidence, that the Circadian regeneration proposals will provide more sustainable transport choices and promote accessibility by public transport, walking and cycling. In addition, the mixed use element of the proposals conforms to the guidance provided in PPG13, in that it can promote walking and cycling as a primary mode of travel.

11.5 Accordingly, and based on the evidence of Mr Walker, upon which I rely, I am able to conclude that the proposed development is compliant with Government advice as set out in PPG13.

12.0 CALL-IN ISSUE (e) - WHETHER THE PROPOSAL IS IN ACCORDANCE WITH PPG17 (PLANNING FOR OPEN SPACE, SPORT AND RECREATION) (JULY 2002)

12.1 In the annex to PPG17, at paragraph 1, it is stated that open space is land that is:

"...laid out as a public garden, or used for the purposes of public recreation, or land which is a disused burial ground. However, in applying the policies in this Guidance, open space should be taken to mean all open space of public value, including not just land, but also areas of water such as rivers, canals, lakes and reservoirs which offer important opportunities for sport and recreation and can also act as visual amenity (see para 3(vi))."

12.2 At paragraph 2 to the annex is provided a typology which illustrates the broad range of open spaces that may be of public value, as follows.

- (i) *parks and gardens – including urban parks, country parks and formal gardens;*
- (ii) *natural and semi-natural urban greenspaces – including woodlands, urban forestry, scrub, grasslands (eg downlands, commons and meadows) wetlands, open and running water, wastelands and derelict open land and rock areas (eg cliffs, quarries and pits);*
- (iii) *green corridors – including river and canal banks, cycleways, and rights of way;*
- (iv) *outdoor sport facilities (with natural or artificial surfaces and either publicly or privately owned) – including tennis courts, bowling greens, sports pitches, golf courses, athletics tracks, school and other institutional playing fields, and other outdoor sports areas;*
- (v) *amenity greenspace (most commonly, but not exclusively in housing areas) – including formal recreation spaces, greenspaces in and around housing, domestic gardens and village greens;*
- (vi) *provision for children and teenagers – including play areas, skateboard parks, outdoor basketball hoops, and other more informal areas (eg 'hanging out' areas, teenage shelters);*
- (vii) *allotments, community gardens, and city (urban) farms;*
- (viii) *cemeteries and churchyards;*
- (ix) *accessible countryside in urban fringe areas; and*
- (x) *civic spaces, including civic and market squares, and other hard surfaced areas designed for pedestrians.*

12.3 It is stated, at paragraph 2 to the annex, that the above typology, or variations of it, should be used by local authorities when preparing assessments of need and audits of existing open space and recreational facilities. In relation to the proposals it is evident that criterion (i), (iii), (v), (vi) and (x) are represented in the proposed development.

12.4 At paragraph 3 to the annex, it is stated that local authorities should also recognise that most areas of open space can perform multiple functions, and that they should take account of the various functions of open space when applying the policies in PPG17. Examples are then provided, which include the following:

- (i) *strategic functions: defining and separating urban areas; better linking of town and country; and providing for recreational needs over a wide area;*
- (ii) *urban quality: helping to support regeneration and improving quality of life for communities by providing visually attractive green spaces close to where people live;*
- (iii) *promoting health and well-being: providing opportunities to people of all ages for informal recreation, or to walk, cycle or ride within parks and open spaces or along paths, bridleways and canal banks. Allotments may provide physical exercise and other health benefits;*

- (iv) *havens and habitats for flora and fauna: sites may also have potential to be corridors or stepping stones from one habitat to another and may contribute towards achieving objectives set out in local biodiversity action plans;*
- (v) *as a community resource: as a place for congregating and for holding community events, religious festivals, fetes and travelling fairs; and*
- (vi) *as a visual amenity: even without public access, people enjoy having open space near to them to provide an outlook, variety in the urban scene, or as a positive element in the landscape."*

12.5 The areas of open space proposed in the Circadian scheme, encompass all of the examples stated above at paragraph 3 of the annex to be PPG17. In PPG17, under the heading *Planning Objectives* it is stated that open spaces, sports and recreation all underpin people's quality of life, and that "*well designed and implemented planning policies for open spaces, sport and recreation are therefore fundamental to delivering broader Government objectives*", which are stated to include the following:

(i) *Supporting an urban renaissance*

12.6 The scheme proposes a series of open spaces throughout the site that take advantage of its unique environmental features. These open spaces are linked by a network of pedestrian thoroughfares, including three footbridges over the Creek. A comprehensive redesign of the Creek is also proposed that would serve to enhance the site's ecological function.

(ii) *Supporting a rural renewal*

12.7 This objective is not relevant in the present case.

(iii) *Promotion of social inclusion and community cohesion*

12.8 One of the fundamental objectives of the scheme is to increase the permeability of these currently inaccessible riverside sites. The layout of the development ensures this permeability is provided for both residents of the development but also the wider community. The current 'wall', the Lots Road elevation of the Power Station building presents to the wider community, would be overcome by the introduction of a series of pedestrian access points into the publicly accessible ground floor of the Power Station. Pedestrians would then have the option of continuing through the Power Station over the Creek footbridges down to the river Thames and the Riverside Walk. This maximises the opportunity for the local community to enjoy the site's open space, enhancing its integration into the area.

12.9 The provision of the new Riverside Walk through 'The Site' will significantly improve connectivity between 'The Site' and the Lots Road area, Chelsea Harbour and the Imperial Wharf scheme now under construction. The new Riverside Walk will connect directly to the Thames Path along the river in front of both the Chelsea Harbour and Imperial Wharf development, and will bring benefits to the public in terms of providing access from Imperial Wharf along the river through Chelsea Harbour and on to 'The Site', where the experience of additional publicly accessible open space can be enjoyed.

(iv) *Health and well being*

12.10 The benefit of the proposed open space is measured not only in terms of quantity but also quality. The ability of the site to provide a substantial quantity of land as open space is coupled with the site's river and Creek-side location which creates a greater feeling of openness. This will enhance the quality of the open space to the benefit of the public's well being. The site also caters for the requirements of children

through the provision of children's play space, encouraging activity and social interaction for this age group.

(v) *Promoting more sustainable development*

- 12.11 The principal points of access to the proposed open space will be for pedestrians and cyclists. The network of open space encourages people down to the edge of the river Thames where the proposals are providing a continuation of the Riverside Walk that already links extensive sections of the riverside.
- 12.12 Under the heading *National Planning Policies and Assessments of Needs and Opportunities*, it is stated that to ensure effective planning for open space it is essential that the needs of local communities are known, and that local authorities should undertake robust assessments of the existing and future needs of their communities for open space. This advice has been taken forward in the preparation of the respective UDPs now adopted by LBHF and RBKC, wherein an assessment has been undertaken by both planning authorities as to the adequacy and needs of open space in the respective boroughs. The 'LBHF Site' has been identified in the LBHF UDP as falling within an area of open space deficiency, although the 'RBKC Site' is not so classified.
- 12.13 At paragraph 6 of PPG17, the advice is given that the Government believe that open space standards are best set locally, and national standards cannot cater for local circumstances, such as differing demographic profiles and the extent of existing built development in an area. It is evident from the consideration of the proposals through the planning application process, that LBHF and RBKC are satisfied that the qualitative and quantitative provision of public accessible open space proposed is both adequate and appropriate. It is important to note that no objection has been raised by either LBHF or RBKC to the quantum or type of open space provision in the proposed development.
- 12.14 It is relevant to note that **Policy CD6** of the RBKC UDP requires, inter alia, any development on the riverside to improve physical and visual links between the River and the rest of the Borough. There appears to be no dispute that the proposed development serves the objectives of **CD6** in this respect.
- 12.15 At paragraph 20 of PPG17, in providing advice as to where to locate new areas of open space, it is stated that local authorities should take into account the following factors.
- "
- (i) *promote accessibility by walking, cycling and public transport, and ensure that facilities are accessible for people with disabilities;*
 - (ii) *locate more intensive recreational uses in sites where they can contribute to town centre vitality and viability;*
 - (iii) *avoid any significant loss of amenity to residents, neighbouring uses or biodiversity;*
 - (iv) *improve the quality of the public realm through good design;*
 - (v) *look to provide areas of open space in commercial and industrial areas;*
 - (vi) *add to and enhance the range and quality of existing facilities;*
 - (vii) *carefully consider security and personal safety, especially for children;*
 - (viii) *meet the regeneration needs of areas, using brownfield in preference to Greenfield sites;*
 - (ix) *consider the scope for using any surplus land for open space, sport or recreational use, weighing this against alternative uses;*
 - (x) *assess the impact of new facilities on social inclusion; and*
 - (xi) *consider the recreational needs of visitors and tourists."*

- 12.16 My analysis of the proposals, elsewhere in my evidence at 8.2.12 to 8.2.19, in relation to the examination of the proposed provision of publicly accessible open space, has demonstrated that the above 11 factors are fully reflected in the proposals.
- 12.17 Accordingly, I am able to conclude that the proposed development is fully compliant with Government policy as set out in PPG17.

13.0 CALL-IN ISSUE (f) - WHETHER THE PROPOSAL IS IN ACCORDANCE WITH PPG1 (GENERAL POLICIES AND PRINCIPLES) (FEBRUARY 1997)

13.1 The advice in PPG1 is currently under review. In February 2004, the Government published a consultation paper - Planning Policy Statement 1 - under the heading *Creating Sustainable Communities*. Although not formal Government policy at this time, Draft PPS1 can be considered to be a material consideration as emerging Government policy.

13.2 The advice in PPG1 is arranged under headings which I consider below in the context of the Circadian proposals.

Sustainable development

13.3 In PPG1, at paragraph 1, it is advised that *"a key role of the planning system is to enable the provision of homes and buildings, investment and jobs in a way which is consistent with the principles of sustainable development."* At paragraph 3, it is pointed out that sustainable development, mixed use and design are the three themes which underpin the Government's approach to the planning system.

13.4 It is stated at paragraph 7, that *"urban regeneration and reuse of previously developed land are important supporting objectives for creating a more sustainable pattern of development."* It is also stated in the same paragraph that the Government is committed to:

- ♦ *concentrating development for uses which generate a large number of trips in places well-served by public transport, especially town centres, rather than in out-of-centre locations; and*
- ♦ *preferring the development of land within urban areas, particularly on previously-developed sites, provided that this creates or maintains a good living environment, before considering the development of greenfield sites."*

13.5 My examination of the proposals has demonstrated, elsewhere in my evidence, and in particular at paragraphs 5.1.3 to 5.1.6, 10.16 to 10.22 and 12.11 to 12.17, that the scheme is consistent with the principles of sustainable development. Also it is plain that the proposals represent a major scheme of urban regeneration, and do involve the re-use of previously developed land. As demonstrated in the evidence of Mr Walker, at paragraph 9.3.2, the proposals will help to achieve a sustainable pattern of development. In these and other respects, I am able to conclude that the proposals are fully compliant with one of the Government's main aims for the planning system, which is to achieve sustainable development.

Mixed use development

13.6 Mixed-use development is advocated at paragraphs 8 and 9 thus:

"Within town centres, but also elsewhere, mixed-use development can help create vitality and diversity and reduce the need to travel. It can be more sustainable than development consisting of a single use. Local planning authorities should include policies in their development plans to promote and retain mixed uses, particularly in town centres, in other areas highly accessible by means of transport other than the private car and in areas of major new development. What will be appropriate on a particular site will be determined by the characteristics of the area - schemes will need to fit in with, and be complementary to, their surroundings - and the likely impact on sustainability, overall travel patterns

and car use. The character of existing residential areas should not be undermined by inappropriate new uses."

"Major mixed-use developments which would attract a significant number of trips should be in locations which are well served by public transport, have adequate infrastructure and are properly integrated, in terms of land use and design, with surrounding areas."

13.7 At paragraph 12 the advice is given:

"The planning system can be used to deliver high-quality, mixed-use developments, such as "urban villages". Built on large sites, usually within urban areas, they are characterised by:

- compactness;*
- a mixture of uses and dwelling types, including affordable housing;*
- a range of employment, leisure and community facilities;*
- appropriate infrastructure and services;*
- high standards of urban design;*
- access to public open space and green spaces; and*
- ready access to public transport.*

Local planning authorities should consider whether this represents an appropriate form of development for any part of their area. However, there will be no universal blueprint. Opportunities will vary and proposals may need to incorporate existing development or be founded on an amalgamation of smaller sites. This approach might also help to improve an existing residential area of poor quality through the gradual introduction of some or all of the urban village characteristics mentioned above."

13.8 My evidence has demonstrated that the proposals are fully compliant with Government advice in terms of promoting a scheme of high quality mixed-use development, being a substantially residential led development, but incorporating other complementary uses to include Class B1 uses, Class A1, Class A3, community, health and leisure uses.

Design

13.9 The advice given at paragraph 13 is that new buildings and their curtilages have a significant effect on the character and quality of an area, and define public spaces, streets and vistas and inevitably create the context for future development. The same paragraph also advises that the *"appearance of proposed development and its relationship to its surroundings are therefore material considerations in determining planning applications and appeals."*

13.10 It is stated at paragraph 15 of PPG1 that:

"Good design should be the aim of all those involved in the development process and should be encouraged everywhere. Good design can help promote sustainable development; improve the quality of the existing environment; attract business and investment; and reinforce civic pride and a sense of place. It can help to secure continued public acceptance of necessary new development."

13.11 Further advice is given at paragraph 16 of PPG1, that applicants for planning permission should be able to demonstrate how they have taken account of the need for good design in their development proposals, and that they have had regard to relevant development plan policies and supplementary design guidance. It is also stated that this should be done in a manner appropriate to the nature and scale of the proposals.

13.12 In annex A to PPG1, at paragraph A5, the advice is given that applicants are encouraged to consult at an early stage with those, including local planning authorities, who may be expected to have a relevant and legitimate interest in the design aspects of their development proposals. This advice has clearly been followed by Circadian in this case, who in the formulation of the design proposals for 'The Site', engaged at a very early stage with both LBHF, RBKC, CAGE and English Heritage. It is important to note that the proposed development is not only subject to any objection from the main statutory consultees including CAGE, English Heritage and the Mayor, but is also supported by all three.

13.13 CAGE were first consulted on the proposals in relation to an earlier planning application submitted to RBKC in June 2001 and LBHF, when the scheme at that time was considered by the Design Review Committee at its meeting on 7 November 2001. CAGE in its letter of 19 November 2001 (Appendix 4) stated that the views of the committee were of *"general support and enthusiasm for the scheme and for its central propositions"*. However, they also indicated that there are a number of aspects of the scheme that required further careful thought. With regard to the general land use considerations, CAGE commented as follows:

"We very much welcome the acquisition of the adjoining two acre site for inclusion in this scheme. In the context of the other major developments along this part of the river, the public space proposed as a result of this is generous and is to be applauded. However, we think that this space will need to be carefully thought out in relation to the rest of the site if it is to work successfully as an attractive and useful public area. More generally, the urban design strategy for the development will require the clear understanding of the types of space being proposed and how the public, semi-public and private space will be used, managed and will relate to each other if the desired sense of integration is to be achieved."

13.14 Also in their letter of 19 November 2001 (Appendix 4), CAGE expressed views in relation to the detailed design of the towers, which at that time, and in the context of the planning applications made, comprised two residential towers, with a higher tower of 39 storey on the 'RBKC Site', and the smaller tower of 25 storey on the 'LBHF Site'.

13.15 In June 2002 further planning applications were submitted by Circadian, comprising a 30 storey tower on the 'RBKC Site' and a 25 storey tower on the 'LBHF Site'. In its letter of 8 August 2002 to LBHF (Appendix 5), CAGE confirm that they had seen the amended version of the scheme, that is the planning applications of June 2002, and made the following additional comments:

"We continue to offer our strong support to the principles of the scheme. Bringing brownfield land back into use and seeking to reuse the power station building in an imaginative manner are to be applauded. So too is the provision of much needed high density housing."

The masterplanning proposals to create open spaces and permeable routes are welcomed. We are encouraged by the careful attention to detail now given to these elements of the scheme and believe that they will make a strong contribution towards the open space provision for the occupants of the scheme and the residents in the wider area. Opening up the Creek and riverside to the public are major benefits of the scheme."

We are confident that this project constitutes a residential scheme of the highest quality, and is arguably the best such scheme along this part of the river for 20 years."

13.16 New planning applications, the subject of this Inquiry, were submitted to LBHF in December 2002 and RBKC in June 2002, and those proposals were considered by the CAGE's Design Review Committee on

4 December 2002. In its letter of 13 December 2002 (Appendix 6) CABE expressed the following views:

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

The changes to the site layout have in our view resulted in a successful sequence of open spaces each with a distinct character. We think that the relative heights and locations of the towers work well. The new D-shaped block, providing accommodation with a clear distinction between fronts and backs, is also welcomed.

Noting that there will be considerable numbers of children living in the housing provided in this project, we would like more thought to be given to the question of how children of all ages will spend their time, and what provision can be made for them – particularly for teenagers, where good solutions are harder to find."

13.17 In addition to the dialogue with CABE, a consultation process was also undertaken with English Heritage. A letter from English Heritage dated 27 June 2001 (Appendix 7) confirms that the original planning applications submitted by Circadian in June 2001 were considered by the London Advisory Committee on 4 May 2001, and subsequently by the Commissioners at their meeting on 27 June 2001, following the publication on 12 June 2001 of the consultation draft of the joint English Heritage/CABE *Guidance on Tall Buildings*. The letter confirms that the proposals were assessed in the light of the criteria set out in the Guidance. It was also stated in the letter, in the second paragraph, that *"of particular importance to English Heritage were the potential impact of your proposed tall buildings on the wider historic environment, and the relationship of the new development to the topography of the area and other tall buildings in the vicinity."*

13.18 At the fourth paragraph of their letter, in considering the wider development on the site, English Heritage stated the following views:

"...we believe that the location is appropriate, in principle, for two tall buildings, which we think will enhance river views and the skyline of this part of London. In coming to this conclusion we are mindful of the effect of several other tall buildings on the area including the Kings Road Towers, Chelsea Harbour, Montevetro and the Power Station Chimneys. The small footprint of the proposed towers results in slender profiles which are both interesting and elegant, particularly the long views from the river, and in dynamic views from the bridges to the east. The landmark location at a major bend in the river and opposite Montevetro are also important considerations. In developing the emerging scheme, we would like to explore further with you the precise impact of the towers on views from surrounding conservation areas and, in particular, on Brompton Cemetery. In addition, as we have discussed, more detailed work is still needed to resolve the public spaces around the RBKC Site and also on the relationship between the Power Station and the proposed new buildings."

13.19 In their letter of 12 August 2002 to LBHF (Appendix 8), and in the context of the planning applications submitted in June 2002, English Heritage confirmed that the London Advisory Committee had considered the scheme in May 2001 and supported it. With regard to the scheme submitted in June 2002, with a 30 storey building on the 'RBKC Site' and a 25 storey building on the 'LBHF Site', English Heritage stated in their letter that the reservations that they originally had concerning the height of the two towers, and their impact upon views from within the Brompton Cemetery, had been answered by the reduction of the large tower to 30 storeys.

- 13.20 In the third paragraph of its letter of 12 August 2002 (Appendix 8), English Heritage state that *"We remain therefore in support of the developing proposals by Terry Farrell Partnership and, even though the DCMS have decided not to list the power station, we would wish to comment further on the works effecting its fabric, and on the 'public realm' relationship of the towers to the sites on which they would sit."*
- 13.21 The latest correspondence from English Heritage is a letter dated 19 March 2003 (Appendix 9), which expresses views on the applications the subject of this Inquiry, with English Heritage acknowledging that the Environmental Statement supporting the applications have been fully considered by English Heritage. In the second paragraph of their letter, English Heritage expressed the following views:
- "These applications, from Circadian Ltd and to the design of Terry Farrell and Partners, replace those rejected by your authority twice last year. English Heritage first considered the scheme in May 2001 and as you know supported it. The reservations that we then had regarding the height of the two towers, and their impact upon views from within Brompton Cemetery were answered by the reduction of the larger tower from 38 to 29 or 30 storeys. This third scheme reduces the tower proposed in Kensington & Chelsea from 30 to 25 storeys, while increasing that in Hammersmith & Fulham from 25 to 37; although this alters the relationship between the towers, and in relation to views from the Cemetery, we did not consider there to be material harm to heritage interests."*
- 13.22 At the third paragraph of the letter, English Heritage confirm that they *"remain in support of the proposals by Terry Farrell Partnership"*. In the fifth paragraph of the letter, English Heritage confirm that their assessment of the proposals is based largely on the criteria proposed in the English Heritage /CABE Guidance on Tall Buildings, and they concluded that *"the two towers would have little or no adverse impact on listed buildings, conservation areas or other heritage destinations."*
- 13.23 The Mayor also supports the development of tall buildings on 'The Site', as previously considered at Section 9.0 of my evidence.
- 13.24 It is evident that the consultation response provided by English Heritage in connection with the Circadian proposals, takes into account the joint English Heritage /CABE guidance on tall buildings, the consultation draft of which was published in June 2001, the guidance being formally published in March 2003. Although this guidance is non-statutory, it is advice which has weight in planning terms, and requires to be considered in planning applications for tall buildings. This guidance is considered in detail in the evidence of both Sir Terry Farrell (paragraphs 6.5.1 to 6.5.14) and Professor Tavernor (paragraphs 5.21 to 5.22, who conclude that the Circadian proposals conform with the guidance which relates to *"buildings which are substantially taller than their neighbours and/or which significantly change the skyline."* (CD151) Therefore, I am able to conclude that the proposed development can only be considered to be in a suitable location for tall buildings, having satisfied the locational requirements and specific criteria as set out in the English Heritage /CABE guidance.
- 13.25 It is plain that the consultation process and engagement undertaken by Circadian and the Terry Farrell Partnership with both CABE, English Heritage and The Mayor has been an exemplar of good practice. The consultation process with these authorities indicates that the development and refinement of the Architectural Masterplan has taken place as a positive response to the views and constructive criticism received.
- 13.26 It is also important to note that the views received from CABE, English Heritage and The Mayor, represent an unusually powerful consensus of support for the scheme at a strategic level.

Key Policy Objectives

Land Use and Transport

- 13.27 At paragraph 23 of PPG1 it is stated that in order to achieve sustainable patterns of development and help to reduce the environmental impacts of transport the main objectives should be to reduce growth in the length and number of motorized journeys; encourage alternative means of travel which have less environmental impact; and hence reduce reliance on the private car.
- 13.28 The evidence of Mr Walker, at paragraph 9.3.2, demonstrates that the proposals will achieve a sustainable pattern of development and make a significant contribution to improving public transport facilities in the area, which will serve to reduce the reliance on the private car. In this connection there are significant contributions proposed in the Section 106 obligation for public transport improvements, particularly to improve bus services and the provision of a new station on the West London Line, in close proximity to 'The Site'.

Planning for housing

- 13.29 The advice given at paragraph 24 of PPG1 is that in preparing their development plans, local planning authorities should consider the land-use requirements of various types of social provision, and for housing the key objection for the location of development and the allocation of land are:

- "
- *to ensure that the planning system identifies an adequate and continuous supply of housing land to meet future requirements which is both available and sustainable;*
 - *to make effective use of land within urban areas, by allocating the maximum amount of housing to previously-developed sites within existing larger urban areas, which have access to a range of transport and other facilities, whilst protecting open space, playing fields and green spaces in cities and towns;*
 - *outside urban or village areas, to promote land for housing in locations which are or will be well served by public transport and with good access to employment and a range of services including leisure, shopping, education and health facilities;*
 - *to provide a mixture and range of types of housing to meet the increasingly varied types of housing requirements, including the need for affordable housing; and*
 - *to ensure that housing is available where jobs are created."*

- 13.30 The proposals through the provision of 802 new dwellings will make a significant contribution to housing stock in this part of Central London. The proposals will also make effective use of land within an urban area, and seek to achieve the maximum amount of housing, consistent with all relevant planning standards, on a previously developed site. The proposals also provide a satisfactory mixture and range of types of housing, including 47% of the total housing units to be provided as affordable homes. Therefore, I am able to conclude that the proposals are fully compliant with the policy objectives of PPG1 in respect of housing.

Conserving the historic environment

- 13.31 It is stated at paragraph 32 that it is fundamental to the Government's policies for environmental stewardship that there should be effective protection of the historic environment. It is also stated that:

"Those aspects of our past which have been identified as being of historic importance are to be valued and protected for their own sake, as a central part of our cultural heritage."

- 13.32 Extensive discussions have taken place between Circadian and English Heritage, not only in relation to the proposed new buildings on 'The Site', but also in relation to the retention of the Power Station within the scheme, albeit that the Power Station is not listed. In its news release, dated 27 June 2001 (Appendix 7), English Heritage announced its views on the Circadian proposals, at that time, in the context of the English Heritage/CABE consultation paper *Guidance on Tall Buildings* (12 June 2001). In the news release English Heritage state that *"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."* The press release goes on to point that:

"English Heritage Commissioners welcomed the Terry Farrell and Partners adaptation and conversion of the Lots Road Power Station as a residential, office and mixed-use building. The scheme at pre-application stage has been given a green light, subject to detailed discussions on the retention of the 1930s control room, overhead gantries and other internal elements as part of the overall scheme. The Power Station provided electricity for over a century to London's underground network and is currently awaiting the outcome of a listing recommendation to the Secretary of State."

- 13.33 The recommendation by English Heritage for the listing of the Power Station was subsequently rejected by DCMS. However, in its letter of 27 June 2001 (Appendix 7) to Montagu Evans, English Heritage confirms the views expressed in the News Release of the same date, and stated as follows:

"With regard to the former Power Station, we would like more of the original fabric to be retained including the 1930s control room, overhead gantries and other internal elements, including the spine wall between the two turbine walls. The building should be fully recorded before any demolition or alterations take place."

- 13.34 The current position of English Heritage, as expressed in its letter of 19 March 2003 (Appendix 8) is stated as follows:

"Even though the DCMS have decided not to list the power station, we wish to comment on the work affecting its fabric. The publication of Environment Statement Appendix C2, Standing Building Assessment draws attention to the importance of the remains of the steel-skeleton frame in the Turbine or Engine and Boiler rooms which the current scheme strips out; it also removes totally the dividing wall between the two. We hope to see the retention of sufficient elements of both so as to make the presentation of the history of the building the clearer"

- 13.35 Accordingly, I am satisfied, as is English Heritage, that the proposals would not be harmful to the historic environment. On the contrary, the proposals are overwhelmingly in the public interest, particularly in terms of adapting and converting the former Power Station building to suitable economic uses. The Power Station building, although not considered worthy of listing, is an important part of London's heritage, and will be preserved in the public interest and in part for public use, through these comprehensive development proposals. It is also important to note, that the restoration of the Power Station building will be undertaken at no expense to the public purse. However, if the Circadian proposals do not proceed in the comprehensive manner proposed, there will be, as I have indicated, in Section 6.0 of my evidence, by virtue of the 'fall-back' position, a measure of uncertainty as to the future of the Power Station building and its regeneration and beneficial, long term use.

Operational principles

- 13.36 PPG1 also sets out the operational principles of the plan-led system in England. At paragraph 40 it is stated that:

"The Government is committed to a plan-led system of development control. This is given statutory force by section 54A of the 1990 Act. Where an adopted or approved development plan contains relevant policies, section 54A requires that an application for planning permission or an appeal shall be determined in accordance with the plan, unless material considerations indicate otherwise. Conversely, applications which are not in accordance with relevant policies in the plan should not be allowed unless material considerations justify granting a planning permission. Those deciding such planning applications or appeals should always take into account whether the proposed development would cause demonstrable harm to interests of acknowledged importance. In all cases where the development plan is relevant, it will be necessary to decide whether the proposal is in accordance with the plan and then to take into account other material considerations."

Draft Planning Policy Statement 1: Creating Sustainable Communities

- 13.37 Draft PPS1 describes how planning has a critical role in supporting the Government's wider economic, social and environmental objectives, for example by balancing housing markets. The document re-emphasises, at paragraph 1.5, that sustainable development is the core principle underpinning planning and states that:

"Planning should facilitate and promote sustainable patterns of development by, amongst other things:

- Making suitable land available for development in line with economic, social and environmental objectives to improve the quality of life.*
- Contributing to sustainable economic growth.*
- Ensuring that development supports existing communities and contributes to the creation of safe, sustainable and liveable communities with good access to jobs and key services".*

- 13.38 Paragraph 1.16 of the document describes how planning policies should enable the provision of new good quality new homes in suitable locations, either through new development or the conversion of existing buildings.

- 13.39 At paragraph 1.22 a number of specific objectives for sustainable development and communities are stated to include the following:

- (i) Promoting urban and rural regeneration to improve the well being of communities, improve facilities, promote high quality and safe development and create new opportunities for people living in those communities. Policies should promote mixed-use developments that create linkages between different uses and create more vibrant places.
- (ii) Promoting regional, sub-regional and local economies by providing a positive planning framework for sustainable economic growth to support efficient, competitive and innovative business, commercial and industrial sectors.
- (iii) Bringing forward sufficient land of a suitable quality in the right locations to meet the expected needs for housing, for industrial development, and for retail and commercial development to

- provide for growth and consumer choice, taking into account accessibility and sustainable transport needs and the provision of essential infrastructure.
- (iv) Giving high priority to ensuring access for all to jobs, health, education, shops, leisure and community facilities by ensuring that new development is so far as reasonable located where everyone can access services on foot, bicycle or public transport rather than having to rely on access by car.
 - (v) Focusing developments that attract a large number of people, especially retail development, in existing centres to promote their vitality and viability, social inclusion and more sustainable patterns of development.
 - (vi) Promoting the more efficient use of land through higher density, mixed use development and the use of suitable previously developed land and buildings. Planning should seek actively to get vacant and underused previously developed land and buildings back into beneficial use to achieve the targets the Government has set for development on previously developed land.
- 13.40 Draft PPS1 also reiterates the aims of PPG1, in terms of design, and states that *“high quality design ensures usable, durable and adaptable places and is a key element in achieving sustainable development”*. It emphasises that good design is not just about the architecture of individual buildings, but also about the functionality and impact of the development on the overall character, quality and sustainability of an area including resource efficiency (paragraph 1.27).
- 13.41 The thrust of the relevant advice in draft PPS1 mirrors most of the Government’s objectives already set out in PPG1. Therefore, I am satisfied that the proposals are consistent with this emerging guidance as well as with the extant policy to which I have referred.

14.0 CALL-IN ISSUE (g) - WHETHER THE PROPOSAL IS IN ACCORDANCE WITH PPG15
(PLANNING AND THE HISTORIC ENVIRONMENT) (OCTOBER 2002)

- 14.1 PPG15, as amended by Circular 14/97, provides guidance on *Planning and the Historic Environment*. The statutory provisions relating to conservation areas are set out at Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and requires that with respect of any buildings or other land in a conservation area *"special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."* This is also a material consideration in determining planning applications which are outside the conservation area, but which affect its setting, or views into or out of the area.
- 14.2 At paragraph 4.20 of PPG15 it is pointed out that the courts have given a precise interpretation of the meaning of "preserve or enhance", which is that:-
- "...there is no requirement in the legislation that conservation areas should be protected from all development which does not enhance or positively preserve. Whilst the character and appearance of conservation areas should always be given full weight in planning decisions, the objective of preservation can be achieved either by development which makes a positive contribution to an area's character or appearance, or by development which leaves character and appearance unharmed."*
- 14.3 Part of the 'LBHF Site', along the frontage of the River Thames and Chelsea Creek is within the Sands End Riverside Conservation Area. The river frontage to both the 'RBKC Site' and the 'LBHF Site' adjoins the river foreshore, which is part of the River Thames Conservation Area. Brompton Cemetery, within RBKC, is also a conservation area.
- 14.4 The evidence of Professor Tavernor, at paragraphs 5.26, 6.5 and 6.6, is that the Circadian proposals would enhance the character and appearance, of the Sands End Riverside Conservation Area, and enhance the settings of the River Thames Conservation Area and the Brompton Cemetery. As a result, the relevant policies of the development plan, being **Policy EN2** in the LBHF UDP and **Policy CD63** in the RBKC UDP, together with the advice given in PPG15, are satisfied.
- 14.5 PPG15 reiterates the statutory requirement under Section 66 (1) of the 1990 Act, to have in considering planning applications which affect a listed building or its setting, *"special regard to the desirability of preserving the listed building or its setting, or any features of special architectural or historic interest which it possesses"*.
- 14.6 Development that would adversely affect the setting of a listed building is resisted at **Policy EN3** of the LBHF UDP, and **Policy CD68** of the RBKC UDP.
- 14.7 There are no listed buildings in LBHF and RBKC which are affected by the Circadian proposals. However, the Brompton Cemetery is included in the Register of Parks and Gardens of Special Historic Interest in England, compiled by English Heritage. It is considered that the proposed 25-storey tower on the 'RBKC Site', falls within the setting of the Brompton Cemetery.
- 14.8 The statutory consultee on heritage matters is English Heritage, who have expressed the following views in a letter dated 19 March 2003 (**Appendix 9**) in relation to the effect of the proposals on the Brompton Cemetery.

"English Heritage first considered the scheme in May 2001 and as you know supported it. The reservations that we then had regarding the height of the two towers, and their impact upon views from within Brompton Cemetery were answered by the reduction of the larger tower from 38 to 29 or 30 storeys. This third scheme reduces the tower proposed in Kensington and Chelsea from 30 to 25 storeys, while increasing that in Hammersmith and Fulham from 25 to 37; although this alters the relationship between the towers, and in relation to views from the Cemetery, we did not consider there to be material harm to heritage interests."

- 14.9 Professor Tavernor, at paragraph 5.10 of his evidence, expresses the view that the impact of the proposal for the tall building on the 'RBKC Site' would be minor but beneficial to the character or appearance, or setting, of the Brompton Cemetery.
- 14.10 In these circumstances, I am able to conclude that the proposals would have no adverse effect on the historic environment, and would accord with the development plan and relevant advice in PPG15.

**15.0 CALL-IN ISSUE (h) - WHETHER THE PROPOSAL IS IN ACCORDANCE WITH PPG9
(NATURE CONSERVATION) (FEBRUARY 2002)**

- 15.1 The LBHF UDP, at Appendix 4.5 identifies the River Thames with its foreshore, drawdocks and inlets – including the Chelsea Creek as a Nature Conservation Area of Metropolitan Importance (SMI). It is stated in the UDP that it is only one of three areas in the Borough to merit such a designation.
- 15.2 Mr Arthur examines in detail the proposals in terms of the implications for nature conservation and ecology against the advice given in PPG9. His evidence, upon which I rely, concludes that the proposals are both fully compliant with all the relevant policy and guidance as set out in PPG9, and would be beneficial to biodiversity.

16.0.0 CALL-IN ISSUE (i) – RELATIONSHIP WITH THE PROPOSED DEVELOPMENT TO THE RELEVANT POLICIES AND PROVISIONS OF THE ADOPTED UDP FOR THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA

16.0.1 In this section of my evidence, I consider the proposals contained in the Circadian planning application in respect of the 'RBKC Site' against those relevant planning policies which fall within the scope of my evidence, as previously identified in Section 7.0 and Appendix 1. In doing so, I shall deal with the issues raised by RBKC in opposition to the proposal.

16.0.2 Although I consider generally the application of the relevant RBKC UDP policies to the proposals, it is important to note that the objections raised by RBKC to the proposals are limited to Policies CD6, CD37, CD1, CD25, CD27, CD28 and CD63 as stated in the decision notice (CD25).

16.0.3 For convenience, I consider the relevant policies as they fall within the respective chapters of the RBKC UDP.

16.1.0 Site Specific Policy

16.1.1 The 'RBKC Site' is defined in the UDP as a *Major Development Site (No. 17)*, and the UDP at page 366 describes a number of *acceptable land uses* which will be appropriate for this site to include "*Residential (including affordable housing), Business (Offices, Light Industrial, R&D) along the Lots Road frontage, Retail, Food and Drink, Leisure, Healthcare, Public Open Space, Thames Path, Cycle Route.*"

16.1.2 The proposals for the 'RBKC Site', as comprised in the October 2004 amended scheme, contain a number of distinct elements within the overall Masterplan for 'The Site', the principal component of which is the provision of 420 residential units, as part of a mixed use scheme, as follows:

- (i) The residential tower KC1 will contain 42 private residential apartments on floors 1 to 25. At ground floor level is proposed workshop/light industrial accommodation (325 sq m) and a gymnasium at ground/first floor (499 sq m).
- (ii) Block KC2A will contain 48 affordable RSL rented units on the upper floors, and also includes workshop/light industrial accommodation (187 sq m) at ground floor level together with a nursery (549 sq m).
- (iii) Block KC2B will contain 20 private residential units.
- (iv) Block KC3 (the Power Station) would be refurbished, cleaned and converted for mixed use development. Between the 1st and 12th floor levels, space within the redundant chimney stacks would be adapted to provide part of the living accommodation of the flats, comprising in total some 193 private residential units and also 67 'intermediate' housing units. The basement of the Power Station building would be converted to workshop/light industrial space (392 sq m); the basement/ground as community space (478 sq m); retail units (class A1/class A2) on the ground floor (1,413 sq m); restaurant (class A3 uses) on the ground floor (326 sq m) and offices Class B1 on the first floor (3,596 sq m); and a doctor's surgery of 131 sq m on the ground floor.

- (v) Block KC4 will contain 50 affordable RSL rented units, with plant equipment sited in the basement.

16.1.3 Within the Section 106 obligation, considered at the Major Planning Applications Committee on 15 September 2003 and 28 October 2003, were proposed covenants to secure the following:

(i) *Affordable Housing*

105 affordable RSL rented units to be made available; 39 residential units to be sold/occupied on a shared ownership basis to persons from the Common Housing Register; provision of 22 units of low cost 'entry level' residential accommodation for sale to persons in housing need and key workers.

(ii) *Chelsea Creek*

Freehold interest in Chelsea Creek to be acquired by the developer or a licence obtained from the Council, as landowner, for the carrying out of the proposed works to the creek.

(iii) *Community facilities*

Provision, on first occupation of any accommodation in KC3 of accommodation comprising 445 sq m net internal floorspace to accommodate the Ashburnham Community Association at a rent and service charge to be approved by the Council. A contribution of £100,000 to fit out the community association premises.

A ground floor unit of 131 sq m for the purposes of a doctor's surgery.

(iv) *Educational facilities*

On occupation of 25% of the private units in RBKC, a contribution of £2m to fund improved secondary and/or primary education facilities in the vicinity of the development.

(v) *Sports facilities*

Prior to occupation of 50% of the private units in RBKC, a contribution of £1m towards funding the provision of public sports facilities in the vicinity of the development.

(vi) *Employment*

Provision of an on-site construction training scheme.

Allocation of two class B1 units to be offered at 50% market rent for a period of three years to tenants approved by the Council to assist small business start-ups for local people.

(vii) *Westfield Park*

A contribution of £400,000 towards the funding of improvements to Westfield Park to include landscaping, tree planting and provision of equipment.

(viii) *Thames Path and Community Safety*

Provision and maintenance of a section of Thames Path providing a designated route with unobstructed public access from Chelsea Harbour via a new bridge over Chelsea Creek to Lots Road. Provision also to be made 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.

Provision of a CCTV system and a scheme of lighting for publicly accessible areas of the development.

(ix) *Public Art*

A contribution of £100,000 for the provision of public art in the vicinity of the development.

16.1.4 The Section 106 obligation under the headings *Environmental Improvements* and *Public Transport* also contains a number of provisions for the funding of an improvement to the Lots Road /Cremorne Road junction; environmental improvement works to local streets; improvements to cycle and pedestrian facilities; a contribution towards a new bus route from Sands End to Westminster via the Embankment; contributions towards upgrading existing bus services; a contribution towards upgrading Chelsea Harbour Pier together with an annual contribution for a period of five years to support an upgraded riverboat passenger service running from Chelsea Harbour Pier to Embankment via intermediate piers during peak hours. All these contributions are considered in more detail in the evidence of Mr Walker at paragraph 2.16 of his evidence.

16.1.5 It is plain that the Circadian scheme, either through proposals contained in the planning application itself, or through the Section 106 obligation, in fact includes all of the *acceptable land uses* referred to in proposals for *Major Development Site (No. 17)*. Therefore, the proposals are entirely consistent in land use terms with the site specific policy of the UDP to provide mixed use development.

16.1.6 It is important to note that RBKC neither in its reason for refusal, or in its Rule 6 Statement, alleges any conflict between the proposed development and this site specific policy.

16.1.7 Also cross referenced to the proposals for the *Major Development Site (No. 17)* are Policies H15 and H23 which are within the housing chapter of the UDP. Policy H15 requires "*a substantial proportion of housing to be provided on those sites to which this policy applies as identified in the Schedule of Major Development Sites and shown on the Proposals Map.*" Policy H23 provides that "*to negotiate the provision and retention of a significant proportion of affordable housing where indicated in the Schedule of Major Development Sites.*" I consider the application of these two policies to the proposed development in my assessment of the housing chapter of the UDP, which follows.

16.2.0 Chapter 5 -Housing

16.2.1 The proposals for the 'RBKC Site', as set out in the October 2004 amended scheme, propose a total of 420 dwellings, of which it is also proposed that 165 units (39%) would be affordable homes. The 420 dwellings proposed on the 'RBKC Site' would make a major contribution to the strategic requirement set out in the London Plan (at Table 3A.1) for the provision of 10,800 additional homes in RBKC between 1997 and 2016.

- 16.2.2 Therefore, I am of the opinion that the proposals are consistent with **Policy H2** of the UDP which expresses a general presumption in favour of the development of land for residential use. Similarly, conformity is achieved with **Policy H3** insofar as the scheme proposes the conversion of the Power Station, being a building previously in commercial use as an electrical utility, for residential use.
- 16.2.3 **Policies H9, H11 and H12** are all concerned with the matter of density. **Policy H12**, in particular states that housing designs to very high densities (above 350 hr/ha) should be resisted unless necessary for townscape reasons. The density of the proposed Circadian scheme for the 'RBKC Site' is approximately 651 hr/ha, based on the provision of 1,301 habitable rooms on a site area of 2.08 ha, compared to a density of 699 hr/ha in the 2002/03 application based on 1,452 habitable rooms.
- 16.2.4 This matter is considered in the report of the Executive Director (Planning and Conservation) (CD19) to the Major Planning Applications Committee at its meeting on 15 September 2003 at paragraph 7.6.1, where the following views are expressed:
- "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 350 hr/ha 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 699 hr/ha. The main physical objections to the proposals 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 411 hr/ha, well in excess of the 350 hr/ha figure. This was recognised in the report to committee regarding the previous application and under the 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."*
- 16.2.5 I would point out that the references to the densities of the proposed development as referred to at paragraph 7.6.1 of the report of the Executive Director (see above), do, of course, refer to the 2002/03 planning application. In the October 2004 amended scheme, the density of the proposed development on the 'RBKC Site' has been reduced, as the number of habitable rooms have fallen from 1,452 in the 2002/03 scheme, to 1,301 in the current scheme. The reference to 699 hr/ha in the report compares to 651 hr/ha, based on a site area which includes the Creek. It appears that the reference in the report to 411 hr/ha, is a figure relating to a density calculation for the Power Station alone.
- 16.2.6 I endorse the above approach, which is consistent with Government advice on housing, as expressed in PPG3, namely, at paragraph 22, that the *"Government is committed to maximising the re-use of previously developed land and empty properties and the conversion of non-residential buildings for housing."* Paragraph 57 of PPG3 also advises local planning authorities against the inefficient use of land and gives the specific advice that *"policies which place unduly restricted ceilings on the amount of housing that can be accommodated on a site, irrespective of its location and the type of housing envisaged or the types of households likely to occupy the housing, should be avoided."*
- 16.2.7 Therefore, although the proposed density on the 'RBKC Site' at 651 hr/ha is a good deal higher than the threshold 'very high density' indicated at **Policy H12**, it is evident that both Government policy, as

- indicated in PPG3, and the strategic policy guidance provided at Policy 4B.3 of the London Plan, are directed towards in the words of Policy 4B.3 achieving the *"highest possible intensity of use compatible with local context, the design principles in Policy 4B.1 and with public transport capacity."* Therefore, Policy H12 of the UDP itself requires to be considered in the context of this strategic policy guidance which post dates the adoption of the UDP. In any event, Policy H12 is complied with insofar as the higher density for the 'RBKC Site' proposed by Circadian not only results from the desire to achieve the maximum intensity of development on this important urban regeneration site, but, also, and importantly, to achieve high density for townscape reasons.
- 16.2.8 In this context it is important to note that there is no objection from RBKC concerning the density of the proposed development. In any event, it is made plain in the report of the Executive Director at paragraph 7.6.1 (CD19) that density itself cannot form a sustainable reason for refusal if the density of development proposed does not result in material harm.
- 16.2.9 Policy H15, which is cross referenced to the policy for *Major Development Site (No. 17)*, requires a substantial proportion of housing to be provided on major development sites, of which the 'RBKC Site' is one. The proposals involve the provision of 420 new residential units on the 'RBKC Site', at a density which makes the best use of this previously developed urban site, and maximises its development potential for residential purposes. Therefore, the proposed development is entirely in accord with Policy H15.
- 16.2.10 Also a policy cross-referenced to the proposals for *Major Development Site (No. 17)*, is Policy H23 which requires on such sites for the *"provision and retention of a significant proportion of affordable housing."*
- 16.2.11 The Circadian scheme for the 'RBKC Site' makes provision for a total of 165 affordable homes, which includes 98 RSL rented and 67 'intermediate' units, to include 'key worker housing', which in total gives an overall figure of about 39% of the total development. The Section 106 obligation, as considered by the Major Planning Applications Committee on 28 October 2003, proposed commitments in respect of the 'affordable housing' proposed in the then planning application, of which the main provisions were as follows:
- (i) 105 affordable units of residential accommodation for rent in partnership with and through transfer to a registered social landlord (RSL).
 - (ii) Provision of 29 residential units in partnership with and through transfer through a RSL to be sold/occupied on a shared ownership basis to persons from the Common Housing Register.
 - (iii) Provision of 22 units of low cost 'entry level' residential accommodation for sale to persons in housing need who are registered on the housing's Common Housing Register and are employed as teachers, nurses, bus drivers, police officers, paramedics and fire fighters and such other occupations that may be nominated as key workers from time to time by the Council. Further provisions in the agreement restrict the subsequent disposal of these units to persons meeting the eligibility criteria.
- 16.2.12 I would point out that the reference to 105 affordable units ((i) above), intended for RSL rented accommodation, has now been reduced to 98 units as a result of the amendments made to the planning application in October 2004. With regard to (ii) and (iii) above, these commitments in the Section 106

obligation are unaffected by the amended scheme, with the number of 'intermediate' units increasing from 61 to 67.

16.2.13 It is recorded at paragraph 7.3.7 of the report of the Executive Director (Planning and Conservation) (CD19) that *"with the safeguards set out in the draft heads of agreements 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."*

16.2.14 There is no reference in the report of the Executive Director (Planning and Conservation) (CD19) to the proposals being in any way unsatisfactory in terms of the proposed housing mix. The amendments made to the planning application in October 2004 have resulted in some refinements to the housing type and mix of affordable homes, when compared to the 2002/03 application. The changes between the schemes are shown in detail at **Appendix 2** to my evidence, and are summarised below:

2002/03 Application	October 2004 scheme
23 x studio	0 x studio
35 x 1 bedroom	60 x 1 bedroom
58 x 2 bedroom	81 x 2 bedroom
33 x 3 bedroom	19 x 3 bedroom
17 x 4 bedroom	5 x 4 bedroom
TOTAL 166 units	TOTAL 165 units
TOTAL 341 bedrooms	TOTAL 299 bedrooms

16.2.15 From the above table, it can be seen that although the proposed number of affordable units is almost identical as between the two schemes, there are some significant changes in the mix of housing types, with an overall reduction in the number of bedrooms from 341 to 299. I would point out that the changes made to the type and mix of affordable homes, in the context of the October 2004 amended scheme, have been necessitated as a result of (i) further consultation with English Heritage with regard to the interior of the Power Station; (ii) a reassessment of daylighting standards for all residential apartments; and (iii) a review of the internal layouts of the affordable housing units to ensure they meet scheme development standards as required by the Housing Corporation. The report by David Parker, at **Appendix 10** to my evidence, confirms, at paragraph 3.4 that the changes made to the type and mix of affordable homes in October 2004 accord with the predominant demonstrated housing need. I am given to understand that these changes have been made by Circadian to comply with these up-to-date requirements, and have not been done for any commercial advantage.

16.2.16 I am of the view that the mix and type of affordable units now proposed remains consistent with the requirements of **Policy H23** of the UDP, which requires the Council to negotiate the provision of affordable housing on *Major Development Sites*. I would emphasise that, in any event, **Policy H23** of the UDP is not prescriptive in terms of achieving any benchmark for the delivery of affordable housing. In each case, as confirmed at **Policy 3A.8** in the London Plan, it is a matter for boroughs to negotiate an appropriate amount of affordable housing having regard to the specific site in question, and other relevant factors which determine its development such as site costs, the availability of public subsidy and other scheme requirements. I would point out that in this case, the amount of affordable

- housing proposed, not only the 'RBKC Site', but on 'The Site' as a whole, has resulted from extensive discussions between Circadian and RBKC, as advised in both the RBKC UDP and the London Plan.
- 16.2.17 Although the amendments to the planning application made in October 2004 have resulted in some changes to the mix and type of social housing intended to be provided, the proposals, in my view, still represent a satisfactory mix of social housing to meet the requirements of Policy H23.
- 16.2.18 Policy H18 seeks the inclusion of smaller units (of one or two habitable rooms) and larger units of (three habitable rooms or more) in schemes for residential development. The report of David Parker, at Appendix 10 to my evidence, confirms that the alterations to the housing mix in the context of the October 2004 amended scheme are consistent with housing needs in the Borough. Mr Parker points out at paragraph 2.6 of his report that the proportion of small affordable dwellings to be provided is higher in RBKC than LBHF, as a result of the predominantly strong need for small affordable dwellings in RBKC.
- 16.2.19 In the conclusions to his report, at paragraph 3.1, Mr Parker confirms that the mix of on-site affordable housing should be primarily determined by housing needs, but this must necessarily be tempered by the proposed nature of the development and the circumstances in which it is put forward. At paragraph 3.2, he states that the emphasis in the current scheme is to a mix of affordable housing types which correctly responds to the need of small dwellings. At paragraph 3.4, he states that:
- "Whereas the mix of dwelling types was broadly the same in each authority area in the 2002/03 proposals emphasis has been given in the 2004 scheme to providing a greater proportion of small dwellings in RBKC. This is in accordance with the predominant demonstrated housing need and I therefore conclude the proposed mix of affordable dwelling types is appropriate for this development and represents a substantial planning benefit of the proposals before the First Secretary of State."*
- 16.2.20 Policy H19 requires an appropriate mix of dwellings, which I consider has been achieved.
- 16.2.21 Policy H21 welcomes housing which includes affordable housing and housing for special needs, the requirements of which are met by the proposed development.
- 16.2.22 Therefore, I am able to conclude that the proposals also accord with the provisions of Policies of H18, H19 and H21 of the UDP.
- 16.3.0 Chapter 4 - Conservation and Development
- 16.3.1 Policy CD1 seeks to protect and enhance views and vistas along the riverside including river views of Chelsea Embankment and the setting of Chelsea Old Church and views from the Thames bridges. This policy needs to be considered alongside a complementary Policy CD6 which requires *"any development on the riverside to preserve and enhance the waterfront character, protect or improve physical and visual links between the River and the rest of the Borough, and be of a height no greater than the general level of existing building heights to the east of Blantyre Street."*
- 16.3.2 It is the first part of Policy CD6 which sets out the dominant purpose of the policy, and requires *"any development on the riverside to preserve and enhance the waterfront character, protect or improve physical and visual links between the River and the rest of the Borough ..."* The second part of Policy CD6 states that the means of achieving the objectives of the first part of the policy will be

- through restricting the height of new development to *"no greater than the general level of existing building heights to the east of Blantyre Street."*
- 16.3.3 The general height of existing buildings to the east of Blantyre Street is generally about 3 to 4 storeys, and this general height continues along Cheyne Walk to the east. This contrasts significantly in terms of height with existing development to the west of Blantyre Street which is known as the World's End Estate, which comprises six 19 storey dark coloured brick clad residential towers, and connected by buildings of 6 storeys which together group around a central open space. These buildings represent a major landmark along this section of the River Thames.
- 16.3.4 The UDP at paragraph 4.2.10, which is the explanatory text and justification for Policy CD6, states as follows:
- "The character of the Riverside owes much to the buildings and open spaces which adjoin it. The Royal Hospital and its grounds, the Chelsea Physic Garden and the buildings on Cheyne Walk are of particular importance. The character changes to the west with the World's End Estate and industrial buildings on Lots Road. 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. Any new development should enhance the special character of the Riverside."*
- 16.3.5 The explanatory text to Policy CD6 implies that RBKC in formulating this policy has taken the view that the high buildings of the World's End Estate are out of character with the remainder of the Riverside along the Chelsea Embankment in this location, since the World's End development comprises tall buildings in contrast to its surroundings which is predominantly made up of development of generally 3 to 4 storey development. In other words, it may reasonably be inferred that RBKC take the view that the World's End development is at odds with the character of the remainder of the Riverside, and in the words of paragraph 4.2.10 of the UDP *"should not be seen as precedent for similar developments."*
- 16.3.6 Although the character and architecture of the World's End Estate is perhaps not of the highest quality in terms of urban design and its contribution to the riverscape, that is not to say that other tall buildings on the riverside could not make a positive contribution to the character of this part of the River Thames and the Chelsea riverside. The evidence of Sir Terry Farrell (paragraphs 6.2.2 to 6.2.16) and Professor Tavernor (paragraphs 2.58 to 2.59 and 5.28 to 5.31) is that the restriction in Policy CD6 in the height of new development in this location can be exceeded by the proposed development with distinct benefit in design and townscape terms. As indicated at paragraph 4.2.10 of the UDP, it is made plain that *"any new development should enhance the special character of the Riverside."*
- 16.3.7 I have already said in Section 9.0 of my evidence, the adoption of restrictive height control policies for tall buildings in London must now be seen in the light of the more liberal and encouraging approach adopted by The Mayor, as now comprised in the London Plan, which has become part of the development plan. As previously indicated, the London Plan Policy 4B.8, under the heading *Tall Buildings*, is a policy which expresses a general presumption to promote the development of tall buildings where they can *"create attractive landmarks enhancing London's character, help to provide a coherent location for economic clusters of related activities and/or act as a catalyst for regeneration and where they are also acceptable in terms of design and impact on their surroundings."* There is also a requirement in Policy 4B.8 that boroughs *"... may wish to identify defined areas of specific character that could be sensitive to tall buildings within their UDPs. In doing so, they should clearly explain what aspects of local character could be affected and why. They should not impose unsubstantiated borough-wide height restrictions."*

- 16.3.8 In one respect there is an obvious conflict between the proposals and the second restrictive part of **Policy CD6**, as the proposal for a 25 storey tower is clearly, as a matter of fact, taller than existing development to the east of Blantyre Street. However, in this regard, several factors need to be taken into account.
- 16.3.9 I would point out that the second part of **Policy CD6**, which seeks to impose a height restriction on development on the riverside, has now to be read in the light of the strategic policy on tall buildings in **Policy 4B.8** of the London Plan which, inter alia, advises that boroughs should not propose unsubstantiated borough-wide height restrictions. I accept that **Policy CD6** is not a borough-wide prescriptive policy on tall buildings, but appears to have been imposed as a specific policy to prevent the development of further tall buildings based on the notion that this was necessary to protect the waterfront character of this part of the River Thames.
- 16.3.10 As demonstrated by the evidence of Sir Terry Farrell (paragraphs 6.2.11 to 6.2.13) and Professor Tavernor (paragraphs 6.18 to 6.21), upon which I rely, there is no justification in the present case for a rigid application of such a specific height restriction having regard to the more welcoming and permissive approach of the London Plan to the development of tall buildings. Also, having regard to the evidence of Professor Tavernor and Sir Terry, it ought to be concluded that the proposed development will not only cause no harm to the waterfront character, but, conversely, will positively enhance the character of the riverside.
- 16.3.11 It is the evidence of Sir Terry Farrell (paragraphs 3.4.1, 3.4.2 and 3.5.5) and Professor Tavernor (paragraphs 5.28 and 5.29) that the proposals would not be harmful, in any way, to the waterfront character of this part of the River Thames, and, indeed, would actually enhance the character of the riverside at this location, which is entirely consistent with the objectives of the first limb of **Policy CD6**. It is also their evidence that the proposals would protect and enhance views and vistas along the riverside from both the vantage points and locations referred to in **Policy CD1**, and other view points identified in their evidence. Therefore, there is not conflict with **Policy CD1**.
- 16.3.12 The proposals, which include two slender tall buildings on 'The Site', are not in accord with that part of **Policy CD6** which states that any development on the riverside should be of a height no greater than the general level of existing building heights to the east of Blantyre Street. However, I endorse the view of Professor Tavernor paragraph 6.19 that the conflict is not only benign, but also beneficial, insofar as the proposed development would result in significant enhancement of the waterfront character of this important part of the River Thames.
- 16.3.13 The primary policy in London which governs the suitability of tall buildings is **Policy 4B.8** of the London Plan, which apart from promoting the development of tall buildings where they "*create attractive landmarks enhancing London's character*" also provides a number of considerations and safeguards, as set out in **Policy 4B.9** which sets standards for the design and impact of tall buildings in their proposed environment. It is plain that the strategic policy in the London Plan, is one of enjoining the London boroughs to take a positive approach to the development of tall buildings in London, but advocating a sensible application of judgment through a criteria based policy. For example, and as required by **Policy 4B.9**, it now behoves the boroughs in London to apply policies in the UDPs which adopt, what is in effect, a presumption in favour of tall buildings, unless there are identified areas of special character which would be harmed by the development of tall buildings.

- 16.3.14 In the context of my comments as set out above, it is important to note the approach taken by the Executive Director (Planning and Conservation) in his report (CD19) to the Major Planning Applications Committee, in considering the compliance of the Circadian proposals with both Policy CD6 and CD37. He states in his report at paragraph 7.1.8 as follows:

"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 and 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."

- 16.3.15 Also in his report (CD19), the Executive Director (Planning and Conservation) at paragraph 7.1.14 considers the proposed 25 storey tower in the context of Policy CD37, wherein he points out that the qualifying objectives of the policy are to improve waterfront character and physical links between the River and the rest of the Borough, and not to harm the skyline. He acknowledges in the same paragraph that *"the proposed development would certainly improve links with the river frontage through the proposed public areas and Thames Path extension."* He also adds that *"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."*

- 16.3.16 At paragraph 7.1.15 he acknowledges the support for the proposals from The Mayor stating that the towers would contribute positively to the London skyline, and at paragraph 7.1.16 similar support from CABE. The evidence of Sir Terry Farrell (paragraphs 3.2.3, 3.2.5, 5.5.8, 6.3.8 and 6.5.12) and Professor Tavernor (paragraph 5.4), which I endorse, is that the proposed towers would constitute an additional landmark on this part of the Thames riverside. Sir Terry expresses the view, at paragraph 6.2.16 of his evidence, that *"the towers are designed to visually connect with the World's End towers and to draw them into a dynamic visual relationship which includes the Lots Road Power Station and its two chimneys and the Belvedere Tower of Chelsea Harbour."* Therefore, the architectural composition of the proposed towers in combination with other landmark buildings in the locality, would not only result in no harm to the skyline, but would enhance it and the general riverscape in this area.

- 16.3.17 The Executive Director concludes his analysis of *High Buildings* by expressing the following views:

"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."

- 16.3.18 From the above analysis, it is clear that the Executive Director does not consider that the proposals for the 'RBKC Site', and in particular the proposed 25 storey tower, would be contrary to the objectives of either Policy CD6 or Policy CD37, and that a 'departure' from the development plan is, in the circumstances, fully justified. It is evident that the Executive Director in considering the planning and townscape merits of the Circadian proposals has applied Policy CD6 in a pragmatic and sensible way, no doubt also having regard to the then emerging policies of the draft London Plan.

- 16.3.19 In conclusion, on this particular matter, my approach to considering the potential conflict between the development proposals and Policy CD6 can be summarised as follows:

(1) The development plan comprises the London Plan and the RBKC UDP.

- (2) In respect of tall buildings, the relevant policies are **Policy 4B.8** in the London Plan and **Policy CD6** in the RBKC UDP. **Policy 4B.8** in the London Plan, and supporting text, provides a general welcome and promotion of tall buildings where they create attractive landmarks. UDP **Policy CD6** is a restrictive policy insofar as it seeks to resist development that is of a height generally greater than existing buildings to the east of Blantyre Street. This is not intended to be a borough-wide restriction, and, therefore, is not in conflict with **Policy 4B.8** on that account.
- (3) However, when making a development control decision on proposals to which these two policies apply it is necessary to take account of the following factors:
 - (i) The strategic policy of promotion and welcome of tall buildings to meet The Mayor's aspirations for a compact city and to achieve townscape benefits.
 - (ii) The fact that at the local level, **Policy CD6** is concerned with a particular objective, discerned in the first part of the policy itself, namely the preservation and enhancement of the waterfront character and the protection and improvement of the visual and physical links between the riverside and the rest of the borough. It is to be noted that paragraph 4.2.10 of the UDP states that the principal objective is to enhance the special character of the riverside.

Accordingly, the correct approach to a development control decision is not to treat **Policy CD6** as a policy of embargo, contrary to the strategic thrust in **Policy 4B.8**, but, as a policy that demands attention be given to the specific circumstances of the proposed development, and requires an assessment as to whether the proposed development would come into conflict with the objectives identified. Thus **Policy CD6**, both invites and requires a proper fair and balanced judgement be applied to ascertain whether the proposed development would enhance the special character of the riverside.

- (4) Therefore, to treat **Policy CD6**, and to apply it as a policy of automatic embargo and unquestioning resistance would be wrong in principle, as well as being out of step with **Policy 4B.8**, and in that respect anachronistic. What is required, as **Policy 4B.8** makes plain, is that the decision maker should consider aspects of local character that could be affected and apply a sensible judgment. This is what the witnesses on behalf of Circadian have done.
- (5) Whilst it must be and is admitted that the proposed development does conflict, as a matter of fact, with the second part of **Policy CD6**, because it would contain buildings of a greater general height than those existing to the east of Blantyre Street, this of itself is insufficient. A sensible judgement must also be reached as to the effect of the proposal. In my view, the development fully accords with the substantive thrust of **Policy CD6** because:
 - (i) It would not merely preserve, but would enhance the waterfront character, as the evidence of Sir Terry Farrell (sections 3.2 to 3.5) and Professor Tavernor (sections, 3, 4 and 5 and Appendix RT/3) demonstrates.
 - (ii) It would not harm, but would serve to improve both physical and visual links between the River and the rest of the borough.

- (iii) It would be conducive and complementary to the aspects of local character-referred to at paragraph 4.2.10 of the UDP, namely, buildings and open spaces adjoining the riverside; the Royal Hospital and grounds; the Chelsea Physic Garden and buildings on Cheyne Walk. None of these interests are harmed by the proposed development.
 - (6) Above all, the development would enhance the special character of the riverside as demonstrated in the evidence of Sir Terry Farrell and Professor Tavernor.
 - (7) In particular, the proposed development would provide a mix of uses, including publicly available uses on ground and lower floors of buildings adjacent to the River, in a safe and interesting environment. The quality of the design and its sensitivity to local context are entirely appropriate, and have been the subject of extensive consultation with the statutory consultees.
 - (8) In all material respects, therefore, the proposals before the Inquiry are consistent with the substance and objectives of Policy CD6 of the UDP and the general thrust of strategic Policy 4B.8 of the London Plan.
- 16.3.20 Policy CD16 seeks to protect the special character of Brompton Cemetery as a conservation area. The Executive Director expresses the following views at paragraph 7.1.11 of his report on the acceptability of the proposals in the context of this policy.
- "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."*
- 16.3.21 The Executive Director also concludes at paragraph 7.1.12 of his report in the context of views into and out of the Brompton Cemetery Conservation Area, and possible effect on other conservation areas, that 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. In this respect, it should be noted that despite the views expressed by the Executive Director on this matter, Policy CD63 is one of those policies referred to in the decision notice (CD25).
- 16.3.22 The evidence of Professor Tavernor (paragraph 3.35) is that the proposed development of the 'RBKC Site' will preserve the character and appearance and enhance the setting of the Brompton Cemetery and of the Thames Conservation Area. I am able to conclude that the proposals for the 'RBKC Site' do not conflict with Policies CD16, CD25 and CD63 of the UDP.
- 16.3.23 Policy CD27 is concerned to achieve a high standard and quality of architectural design for development in the Borough, and that development should also provide opportunities for environmental benefits such as sitting-out, sports or landscaped areas. I consider that the architectural proposals produced by Sir Terry Farrell for 'The Site' are of the highest quality and without question of outstanding design and quality. The proposals also, as I have said, do provide significant

environmental benefits in terms of the publicly accessible areas of open space, and in particular the riverside walk. There is no conflict here with Policy CD27.

16.3.24 Policy CD28, under the heading *Urban Design* states a number of criteria to be physically and visually integrated into the proposed development and its surroundings. These matters are referred to in the evidence of Professor Tavernor at paragraph 2.63, and at sections 3, 4 and 5, from which it is clear that the proposals have fully taken account of these criteria. There is no conflict here with Policy CD28.

16.3.25 In conclusion on policies in the UDP relating to high buildings, urban design and townscape impact, it is useful to consider the summary analysis of these policies undertaken by the Executive Director at paragraph 7.1.24 of his report (CD19) which concludes as follows:

"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); CD13, 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)."

16.3.26 Therefore, in relation to the relevant policies of the UDP within the *Conservation and Development Chapter*, I am able to conclude that the proposals in respect of the 'RBKC Site' are in accordance with Policies CD1, CD16, CD25, CD27, CD28 and CD63. The proposals are wholly compliant with all the relevant policies of the *Conservation and Development Chapter* of the UDP, except that there is a conflict, as matter of fact, with the second part of Policy CD6 which seeks to place a height restriction on development along the riverside in order to preserve and enhance the waterfront character. However, in applying this policy a sensible judgement needs to be made as to whether the proposals against which the policy is to be applied are in accord with the dominant purpose and objective of the policy, namely the first part of Policy CD6 which requires *"any development on the riverside to preserve and enhance the waterfront character, protect or improve physical and visual links between the River and the rest of the borough ..."*

16.3.27 My analysis, and that contained in other evidence to which I have referred, has demonstrated that there is no architectural or townscape justification for rejecting the present proposals on the basis of the height restriction in Policy CD6. The proposals would achieve the objectives of Policy CD6 to preserve and enhance the waterfront character, and also to improve physical and visual links between the River and the rest of the borough.

16.3.28 The report of the Executive Director (Planning and Conservation), at paragraph 7.1.18 also acknowledges that although there is a conflict between the proposals and one part of Policy CD6, nevertheless, there is a clear advantage in favour of the development proceeding.

16.4.0 Chapter 6 - Offices and Industry

- 16.4.1 The general thrust of employment policies within this chapter, as stated at Policy STRAT 20, is to support and maintain an existing diverse and vibrant local economy and to foster sustainable economic growth whilst protecting development inappropriate to residential development. More specifically, Policy E11 encourages the provision of premises for the start up and expansion of small businesses, particularly small light industrial businesses, in appropriate locations. Policy E27 requires *"the provision of business uses in proposals for the development of sites in employment zones."*
- 16.4.2 At paragraph 16.1.2 of my evidence, I described the type and quantum of B1 accommodation proposed for the 'RBKC Site', which falls within an Employment Zone. At paragraph 16.1.3 I outlined briefly the employment obligations proposed in the Section 106 obligation in relation to offering accommodation to assist small business start-ups for local people.
- 16.4.3 Accordingly, I am able to conclude that the proposals for the 'RBKC Site' are entirely in accordance with the employment provisions of the UDP. The provision of Class B1 accommodation in the development has been welcomed by RBKC at paragraph 7.2.10 of the Committee Report (CD19).

16.5.0 Chapter 9 - Social and Community Uses

- 16.5.1 Policy SC4 seeks to encourage the provision of new social and community facilities which meet local needs, and Policy SC6 states that the Council will negotiate planning obligations to provide and/or community facilities in association with development schemes.
- 16.5.2 Again, as indicated at paragraphs 16.1.2 and 16.1.3 of my evidence, provision is to be made within the proposed development for community and health facilities, and such provision has been agreed with RBKC as to be suitable to meet local needs. Therefore, the requirements of Policy SC4 and Policy SC6 are met.

16.6.0 Chapter 11 - Leisure and Recreation

- 16.6.1 The Council's general policies are at Policy STRAT 46 which encourages leisure and recreation provision and Policy STRAT 47 which seeks to maintain and increase the provision and quality of open space of local and metropolitan value. There are no standards in the UDP which are relevant to the calculation of the quantum of open space to be provided in new development. Map 10 (at page 283 of the UDP) confirms that the 'RBKC Site' is not within an *"area deficient in publicly accessible open space."*
- 16.6.2 The scheme proposals for the provision of publicly accessible areas and open space on the 'RBKC Site', involve the creation in the former Power Station of Power Station Street, which will provide for the first time public access to the former electrical utility building. The creation of Power Station Street, a magnificent glass roof internal street, will represent a significant new addition to the public realm. The street will be lined by shops, cafes and local businesses on ground and mezzanine levels, and Sir Terry Farrell at paragraph 3.3.4 of his evidence describes it as likely to be *"an exhilarating and fascinating experience to walk through or to sit in this vast, light filled space that was once the engine hall of the old Power Station."* From Power Station Street there will be two connections through the building on the line of the chimneys that will lead directly onto the two pedestrian bridges that span Chelsea Creek. At its eastern end, Power Station Street will open onto the Power Station Plaza, a landscaped open space, designed to create a spacious setting for the Power Station building.

- 16.6.3 The proposals also include a gymnasium for residents within the tower block KF1. The Section 106 obligation, provides for a significant contribution of £1m towards funding the provision of public sports facilities in the vicinity of the development. Also, provision is made for a contribution of £400,000 to fund improvements to Westfield Park, to include landscaping, tree planting and provision of equipment. These obligations are made in order to satisfy the objectives of **Policy STRAT 47** which seeks to maintain and increase provision and quality of open space of local value. In the same context these obligations also satisfy the requirements of **Policy LR2** which encourages the provision of additional sports and recreational facilities.
- 16.6.4 **Policy STRAT 48** encourages the provision of a continuous Thames Path along the riverside and the maintenance and improvement of access to the river. **Policy LR19** seeks to protect the Thames Path and its improvement and completion along the river frontage. The proposals for the 'RBKC Site' include the provision of an additional section of the Thames Path along the riverside and Chelsea Creek, and the Section 106 obligation, proposes an obligation on Circadian to provide and maintain a section of the Thames Path with unobstructed public access via a new bridge over Chelsea Creek to Lots Road. The obligation also provides for a possible subsequent linkage to a future Thames Path section across the adjacent Cremorne Wharf site.
- 16.6.5 In terms of **Policy LR13**, which encourages new rights of way, where appropriate, over private land, the proposals by means of the proposed walkways and other areas of publicly accessible open space to be provided, will more than adequately discharge the requirements of this policy.
- 16.6.6 Finally, **Policy LR36** states that the Council, where appropriate, will seek to negotiate the provision of public art in developments. This policy is discharged by the provision in the Section 106 obligation as previously indicated (paragraph 16.1.3 (vii) *ibid*).
- 16.7.0 **Chapter 8 - Shopping**
- 16.7.1 At **Appendix 1** to my evidence, at paragraphs 3.34 to 3.38, I identify that the Council has carried out a Retail Capacity Study as part of its preparation of the UDP, which had identified, as stated at paragraph 8.1.3 of the UDP, a deficiency in local shopping facilities "*in the vicinity of Lots Road Chelsea*". Also at paragraph 8.3.21 of the UDP it is stated that the "*the Council will co-operate with the private sector in identifying sites for, and encouraging, the provision of local shopping facilities to meet identified deficiencies in south-west Chelsea. ...*"
- 16.7.2 **Policy S10** of the UDP, which follows paragraph 8.3.21 is stated as "*to encourage provision for convenience shopping in appropriate development schemes*"
- 16.7.3 The **Policy S11** states as follows:
- "To encourage local shopping facilities to meet the day to day needs of residents in south-west Chelsea and north-west of Notting Hill, in the vicinity of Latimer Road station."*
- 16.7.4 The proposals, as I have explained at Section 4.0 of my evidence, are for mixed use development, which for the 'RBKC Site' involves the conversion of the Power Station (Block KC3) to 1,413 sq m of Class A1/A2 retail use and 326 sq m of Class A3 use. Although no detailed consideration has yet been given to the future occupancy of the Class A1/A2 units, it is envisaged that this floorspace may well

be occupied in part by a small local convenience foodstore, supplemented by a small number of other shops, to include perhaps a newsagent, chemist and other similar local facilities.

16.7.5 The provision of this relative amount of retail floorspace within a mixed use development is in accord with the requirements of the UDP, both in general terms in the context of **Policy S10** to provide for convenience shopping in appropriate development schemes, and locationally to meet the requirements of **Policy S11** which seeks specifically to encourage local shopping facilities to meet the day to day needs of residents in the Lots Road area. The provision of Class A3 floorspace will complement the proposed shops and enhance the quality, character and viability of this mixed used development. The retail facilities proposed will serve existing residents in this part of south-west Chelsea together with the new residents in the development itself.

16.8.0 Conclusions on RBKC UDP

16.8.1 From the above analysis, I am able to conclude that the proposed development is in accord with all the relevant policy objectives of the RBKC UDP.

16.8.2 Therefore, I am satisfied that the proposals are in general accordance with the RBKC UDP for the purposes of Section 38(6) of the 2004 Act.

17.0 WHETHER ANY PERMISSION SHOULD BE SUBJECT TO CONDITIONS

- 17.1 A schedule of conditions to be agreed with both LBHF and RBKC, which could be attached to any planning permissions for the development of 'The Site', is presently under discussion between the parties, for presentation at the Public Inquiry.
- 17.2 Circadian is actively negotiating and finalising the Section 106 obligation with LBHF, RBKC and TfL as part of the GLA.
- 17.3 I am satisfied that the provisions of the Section 106 obligation, as referred to in my evidence, comply with the advice given in Circular 1/97 and the draft Revised Circular on Planning Obligations published in November 2004, and have been formulated by reference to appropriate policy requirements in the development plan.

18.0.0 ANY OTHER RELEVANT MATERIAL PLANNING CONSIDERATIONS

18.0.1 As identified at paragraph 7.0.4 of my evidence, a consideration of national planning guidance, as set out in PPG4 and PPG6, is also relevant to the proposals.

18.1.0 PPG4 – Industrial and Commercial Development and Small Firms (November 1992)

18.1.1 The relevant provision of PPG4 which are applicable to the proposed development are set out at Section 4.0 of **Appendix 1** to my evidence. The main thrust of Government policy is to encourage continued economic development in a way which is compatible with environmental objectives.

18.1.2 I am satisfied from the analysis undertaken in my evidence that the provision of small Class B1 units in the Power Station, as part of a mixed use development scheme, will make a contribution to meeting the needs of small businesses in Central London, and is, therefore, consistent with the advice given in PPG4.

18.2.0 PPG6 – Town Centres and Retail Developments (June 1996)

18.2.1 At Section 5.0 of **Appendix 1** to my evidence, I highlighted the relevant provision of PPG6 and the subsequent clarifications of Government Policy in the form of ministerial statements. As the Circadian proposals include both provision of Class A1 and Class A3 uses, the provisions of PPG6 apply to both of these elements.

18.2.2 Although 'The Site' is not part of the existing hierarchy of shopping centres in RBKC as defined in the UDP, it is, nevertheless, subject, in locational terms, to **Policy S10** and **Policy S11** of the UDP which encourage provision for convenience shopping in appropriate development schemes in the area of Lots Road and south west Chelsea to meet the day to day needs of residents. Therefore, in this specific respect, 'The Site' is a preferred location for retail use within the meaning of PPG6, as it is identified in the UDP for such purposes.

18.2.3 Also, the UDP identifies 'need' in the Lots Road area for the provision of local shopping facilities in south west Chelsea to meet identified deficiencies as confirmed at paragraph 8.3.21 of the UDP.

18.2.4 The proposed development comprises 802 residential units, likely to result in a new resident population on 'The Site' of up to 3,000 people. The RBKC UDP has also identified that there is a need for additional local shopping facilities in the Lots Road area. Therefore, the existing needs of local residents plus the new residents in the scheme will be met by the provision of local shopping facilities on this site. Given that this 'need' is site specific both in terms of meeting the needs of local residents and new residents on 'The Site', it follows that it would not be appropriate to undertake any sequential analysis of possible alternative sites. Neither LBHF or RBKC - nor indeed, the GLA - has contended otherwise.

18.2.5 In conclusion on this matter, I am of the view that the Class A1 and Class A3 uses proposed in the development are entirely appropriate uses for 'The Site', and such elements of the scheme are consistent with policies within the development plan and national planning guidance.

19.0 SUMMARY AND CONCLUSIONS

- 19.1 In forming an overall judgement as to the planning merits of the Circadian proposals, I have considered the planning issues in this case in the order identified in the Secretary of State's call-in letter. My views can be summarised as follows.

Call-In Issue (a) – Relationship of the Proposed Development to Policies of The Adopted London Borough Of Hammersmith And Fulham UDP

- 19.2 In the LBHF UDP, there are two specific site proposals relevant to the 'LBHF Site'. First, *Site 22 Chelsea Creek* for which the proposals involve the remodelling of the existing Creek edges from existing vertical form to a terraced Creek edge to provide a more gradational transition of habitats and Creek planting opportunities. These proposed engineering works, amongst other matters, will serve to ensure the minimisation of the long term siltation and loss of Creek, foreshore and flood capacity. Second, with regard to the *Site 22A Chelsea Harbour 2*, the proposals are for 382 residential units with the provision of significant areas of publicly accessible open space to include a riverside walk. It is plain that the proposals for the 'LBHF Site' are in conformity with the requirements of both site specific Policies 22 and 22A.
- 19.3 The Circadian proposals satisfy the policy requirements of *Chapter 4 – Environment* of the UDP in relation to conservation areas, design high buildings, open space, nature conservation and river and canal policies.
- 19.4 In *Chapter 6 – Housing* of the UDP, the proposals meet the objective of Policy HO5 in seeking to achieve the maximum reasonable proportion of affordable housing in any development, through the provision of 213 affordable homes, representing 56% of the total number of residential units. I am satisfied that the proposals for the quantum, type and mix of affordable homes is in conformity with Policy HO6, and accords with the predominant demonstrated housing need for this borough.
- 19.5 In relation to the matter of density, it is important to recognise that the 'LBHF Site' is a large brownfield site in need of regeneration for the benefit of the local community. It is a fundamental tenet of both national and regional policy that full and effective use must be made of previously developed urban land for the purposes of increasing the nations housing stock. It follows that such sites need to be developed intensively, commensurate with other planning and environmental requirements, at locations which are also sustainable. The 'LBHF Site' is such a location, and the proposals in formulating a high density development are to be regarded as consistent with all relevant planning policy on this matter. Development proposals at high density ensure the full and effective, and sustainable, use of scarce brownfield land in Central London, which is to be regarded as a major benefit of the proposed development.

- 19.6 I am able to conclude that the proposals conform with all the relevant policy requirements of the LBHF UDP applicable to this development. This conclusion, as I understand it, is shared by LBHF.

Call-In Issue (b) – Relationship of the Proposed Development to the Relevant Policies and Provisions of the London Plan In Particular Those Concerned With Development Affecting the Thames

- 19.7 As recognised by The Mayor, 'The Site' is one of only a small number of large opportunity sites in Central London that can deliver a significant contribution to meeting the housing targets as set out in the London Plan. The proposals will achieve this through the delivery of 802 new homes making a

important contribution to The Mayor's objectives, at **Policy 3A.1** of the London Plan, to seek the maximum provision of additional housing in London.

- 19.8 Through the implementation of the transport related proposals, I am satisfied that 'The Site' will achieve high public transport accessibility to satisfy the requirements of **Policy 3A.5**. It is also to be noted that the second limb of **Policy 3A.5** requiring the provision of non-residential uses within large residential developments is satisfied by the proposals in terms of the mixed use development to include retail, Class B1 uses, community, leisure and health provision.
- 19.9 With regard to affordable housing, **Policy 3A.7** of the London Plan indicates that The Mayor's strategic target is that 50% of housing provision from all sources should be affordable, and that the London wide objective is that 70% should be social housing and 30% intermediate provision, together with the provision of mixed and balanced communities. Of the 802 new homes, 382 are proposed to be affordable, which is about 47% of the total. The Mayor has confirmed that the proportion of affordable housing proposed is consistent with the requirements of the London Plan and would represent a significant strategic gain to London housing needs.
- 19.10 The provision of new publicly accessible open space within the proposed development, guaranteed through the Section 106 obligation, serves to ensure that the proposals are fully compliant with **Policy 3D.11** of the London Plan.
- 19.11 At section *4B – Designs on London* of the London Plan it is stated at **Policy 4B.1** that The Mayor seeks to ensure a number of objectives in relation to new development which I am satisfied are met by the proposed development. The requirements of **Policy 4B.2**, to provide world-class design are also achieved, as confirmed by the evidence of Professor Tavernor and the views expressed on this matter by other reputable authorities, principally CABI and English Heritage.
- 19.12 The Mayor accepts that the proposals have been designed to achieve the highest possible intensity of use, primarily for residential development, on a site which is recognised to be only one of a small number of opportunity sites in Central London which can make a significant contribution to the housing objectives of the London Plan. Accordingly, I am satisfied that the proposals discharge the objectives of **Policy 4B.3** of the London Plan. Also, the proposals will significantly enhance the quality of the public realm, satisfying the requirements of **Policy 4B.4**.
- 19.13 **Policy 4B.8**, under the heading *Tall buildings – location* is a policy which expresses a general presumption to promote the development of tall buildings where they can *"create attractive landmarks enhancing London's character, help to provide a coherent location for economic clusters of related activities and/or act as a catalyst for regeneration and where they are also acceptable in terms of design and impact on their surroundings"*. It is to be noted that **Policy 4B.8** is not specific in terms of preferred locations in London for tall buildings, but the policy is framed in a more general and liberal manner in the sense that it is a promotional policy for the development of tall buildings where they create attractive landmarks enhancing London's character. However, the policy is locational in certain respects. First, it refers to the development of tall buildings as providing a coherent location for economic clusters of related activities. Second, is the statement that tall buildings may act as a catalyst for regeneration, which is entirely apposite to the proposals. 'The Site' is without question an important derelict brownfield riverside site, and the proposals will achieve a single comprehensive mixed use development bringing forward significant benefits and advantages not only for the locality, but London generally.

- 19.14 An important criterion of **Policy 4B.8** is that tall buildings should be acceptable in terms of design and impact on their surroundings. As I have already said, the proposals for 'The Site' are recognised to represent world class architecture by one of the world's leading architects, and these proposals have generally been praised independently by CABI and English Heritage. In terms of design and impact on their surroundings, the proposals have also been warmly welcomed by The Mayor. Accordingly, I am to conclude that the proposals, which include the development of two slender tall buildings on these important riverside sites, are entirely in accord with The Mayor's locational strategy and design requirements for tall buildings, as confirmed by the GLA.
- 19.15 **Policy 4B.9** effectively incorporates the key criteria of the EH/CABI Guidance on Tall Buildings and requires that "*all large-scale buildings including tall buildings should be of the highest quality design.*" and satisfy the eleven criteria set out in the policy. A detailed analysis of the proposals in the context of the criteria referred to in **Policy 4B.9** has been undertaken in both the evidence of Sir Terry Farrell and Professor Tavernor. Their evidence demonstrates, and I agree, that the tall buildings proposed for 'The Site' are of the highest quality design, and, therefore, compliant with the requirements of **Policy 4B.9** of the London Plan.
- 19.16 The proposals have been formulated and devised around the central concept of renovating and adapting the former Power Station building. Although this building has not been considered to be suitable for listing by DCMS, English Heritage has expressed the view that the building and as many of its historic artefacts as possible, should be retained in the public interest. This expression of view by English Heritage has been respected by Circadian, who have formulated proposals to retain and convert the main Power Station building into residential and commercial uses, whilst demolishing other redundant and unimportant structures previously forming part of the operational buildings of the Power Station. The fact that Circadian has responded in a positive manner to the views expressed by English Heritage, in retaining the main fabric of the Power Station worthy of preservation, is, I consider, a significant benefit of the scheme in terms of contributing to the preservation of the historic environment.
- 19.17 The evidence of Professor Tavernor is that the proposals will not have any adverse effect on the historic environment, and, conversely, will assist the preservation of London's heritage through the restoration and conversion of the Power Station to new uses, whilst the scheme generally will enhance and complement the setting of the Power Station building. Accordingly, I am able to conclude that the proposals are entirely consistent with The Mayor's policies as stated at **Policy 4B.11** and **4B.12** of the London Plan. I am of the view that the proposals would stimulate environmental, economic and community regeneration in the Lots Road area, and achieve this through bringing back into economic use a building, namely the Power Station, which is widely regarded to be an important part of the fabric of London's heritage.
- 19.18 I am able to conclude that the Circadian proposals conform with all the relevant policy requirements of the London Plan applicable to this development. This conclusion, as I understand it, is shared by The Mayor.

Call-In Issue (c) – Whether the Proposal Is In Accordance With PPG3 (Housing)

- 19.19 'The Site' is one which is both suitable and available for house building. In fact, 'The Site', as a matter of preferred land use, is promoted for residential development as part of site specific policies within both the respective UDPs of LBHF and RBKC (paragraph 3, PPG3).

- 19.20 The proposals, although residentially led, do represent a mixed use scheme which will provide a range of facilities for the local community. The housing proposed as part of the development scheme will be both varied in scale and form, and through the provision of affordable housing, which is fully integrated and not separated from the private housing development, will result in a scheme which is socially inclusive (paragraph 10, PPG3).
- 19.21 The housing provision within the scheme has been conceived and designed in full consultation with both LBHF and RBKC, to meet the housing needs of the area both in terms of providing low cost properties available for rent as part of a social housing commitment, as well as the provision of private accommodation to match local market requirements (paragraph 12, PPG3).
- 19.22 The proposals fully satisfy Government policy as set out at paragraph 22 of PPG3, as the scheme does involve both maximising the reuse of previously developed land, and the conversion of a former industrial building, that is the Power Station, for predominantly housing use. In doing so, the development will involve the economic regeneration of these now vacant brownfield urban sites.
- 19.23 The proposals will involve, for the first time on 'The Site', public access to these riverside sites, and will ensure through the creation of publicly accessible open space and walkways ensure high standards of permeability between the hinterland to 'The Site' and the River Thames. Also, the significant public transport enhancement contributions to be made through the Section 106 obligation, will ensure that the scheme is highly sustainable in transport terms (paragraph 47, PPG3).
- 19.24 The proposals through the creation of green areas of publicly accessible open space, together with environmental and nature conservation improvements to Chelsea Creek, will ensure that the proposed development has a suitable and appropriate 'green' residential environment (paragraph 52, PPG3).
- 19.25 The proposals have been designed to a high density to achieve the efficient and sustainable use of this previously-used urban land within Central London (paragraph 57, PPG3).
- 19.26 For all the above reasons, I am satisfied that the proposals are fully compliant with the advice given in PPG3.

Call-In Issue (d) – Whether the Proposal Is In Accordance With PPG 13 (Transport)

- 19.27 The evidence of Mr Walker is that the Lots Road/Chelsea Harbour area is accessible by public transport, and will become significantly more so as the result of the improved bus services being introduced by means of the Section 106 obligation. He also expresses the view that the Circadian regeneration proposals will provide more sustainable transport choices and promote accessibility by public transport, walking and cycling. In addition, the mixed use element of the proposals conforms to the guidance provided in PPG13, in that it can promote walking and cycling as a primary mode of travel.
- 19.28 Accordingly, and based on the evidence of Mr Walker, upon which I rely, I am able to conclude that the proposed development is compliant with Government advice as set out in PPG13.

Call-In Issue (e) - Whether the Proposal Is In Accordance With PPG 17 (Planning For Open Space, Sport and Recreation)

- 19.29 It is stated in PPG17 that to ensure effective planning for open space it is essential that the needs of local communities are known, and that local authorities should undertake robust assessments of the existing and future needs of their communities for open space. This advice has been taken forward in the

preparation of the respective UDPs now adopted by LBHF and RBKC, wherein an assessment has been undertaken by both planning authorities as to the adequacy and needs of open space in both boroughs. The 'LBHF Site' has been identified in the LBHF UDP as falling within an area of open space deficiency, although the 'RBKC Site' is not so classified.

19.30 It is evident from the consideration of the proposals through the planning application process, that LBHF and RBKC are satisfied that the qualitative and quantitative provision of public accessible open space proposed is both adequate and appropriate. It is important to note that no objection has been raised by either LBHF or RBKC to the quantum or type of open space provision in the proposed development.

19.31 Accordingly, I am able to conclude that the proposals are fully compliant with Government policy as set out in PPG17.

Call-In Issue (f) - Whether the Proposal Is In Accordance With PPG 1 (General Policies and Principles)

19.32 My examination of the proposals has demonstrated that the scheme is consistent with the principles of sustainable development. Also it is plain that the proposed development represents a major scheme of urban regeneration, and does involve the re-use of previously developed land. The proposals will help to achieve a sustainable pattern of development. In these and other respects, I am able to conclude that the proposals are fully compliant with one of the Government's main aims for the planning system, which is to achieve sustainable development (paragraphs 1 and 7, PPG1).

19.33 My evidence has demonstrated that the proposals are fully compliant with Government advice in terms of promoting a scheme of high quality mixed-use development, being a substantially residential led development, but incorporating other complementary uses to include Class B1 uses, Class A1, Class A3, community, health and leisure uses (paragraph 8, 9 and 12, PPG1).

19.34 Further advice is given at paragraph 16 of PPG1, that applicants for planning permission should be able to demonstrate how they have taken account of the need for good design in their development proposals, and that they have had regard to relevant development plan policies and supplementary design guidance. It is also stated that this should be done in a manner appropriate to the nature and scale of the proposals. In annex A to PPG1, at paragraph A5, the advice is given that applicants are encouraged to consult at an early stage with those, including local planning authorities, who may be expected to have a relevant and legitimate interest in the design aspects of their development proposals. This advice has clearly been followed by Circadian in this case, who in the formulation of the design proposals for 'The Site', engaged at a very early stage with both LBHF, RBKC, CAGE and English Heritage. It is important to note that the proposed development is not only subject to any objection from the main statutory consultees including CAGE, English Heritage and the Mayor, but is also supported by all three.

19.35 It is plain that the consultation process and engagement undertaken by Circadian and the Terry Farrell Partnership with both CAGE, English Heritage and The Mayor has been an exemplar of good practice. The consultation process with these authorities indicates that the development and refinement of the Architectural Masterplan has taken place as a positive response to the views and constructive criticism received. It is also important to note that the views received from CAGE, English Heritage and The Mayor, represent an unusually powerful consensus of support for the scheme at a strategic level.

19.36 I am satisfied, as is English Heritage, that the proposals would not be harmful to the historic environment (paragraph 32, PPG1). On the contrary, the proposals are overwhelmingly in the public

interest, particularly in terms of adapting and converting the former Power Station building to suitable economic uses. The Power Station building, although not considered worthy of listing, is an important part of London's heritage, and will be preserved in the public interest and in part for public use, through these comprehensive development proposals. The restoration of the Power Station building will be undertaken at no expense to the public purse. However, if the proposals do not proceed in the comprehensive manner proposed, there will be, by virtue of the 'fall-back' position, a measure of uncertainty as to the future of the Power Station building and its regeneration and beneficial, long term use.

Call-In Issue (g) - Whether the Proposal Is In Accordance With PPG 15 (Planning and the Historic Environment)

19.37 Part of the 'LBHF Site', along the frontage of the River Thames and Chelsea Creek is within the Sands End Riverside Conservation Area. The river frontage to both the 'RBKC Site' and the 'LBHF Site' adjoins the river foreshore, which is part of the River Thames Conservation Area. Brompton Cemetery, within RBKC, is also a conservation area.

19.38 The evidence of Professor Tavernor is that the proposals would enhance the character and appearance, of the Sands End Riverside Conservation Area, and enhance the settings of the River Thames Conservation Area and the Brompton Cemetery. As a result, the relevant policies of the development plan, being **Policy EN2** in the LBHF UDP and **Policy CD63** in the RBKC UDP, together with the advice given in PPG15, are satisfied.

19.39 There are no listed buildings in LBHF and RBKC which are affected by the proposals. However, the Brompton Cemetery is included in the Register of Parks and Gardens of Special Historic Interest in England. Professor Tavernor expresses the view, upon which I rely, that the impact of the proposal for the tall building on the 'RBKC Site' would be minor but beneficial to the character or appearance, or setting, of the Brompton Cemetery.

19.40 In these circumstances, I am able to conclude that the proposals would have no adverse effect on the historic environment, and would accord with the development plan and relevant advice in PPG15.

Call-In Issue (h) - Whether the Proposal Is In Accordance With PPG 9 (Nature Conservation)

19.41 Mr Arthur examines the proposals in terms of the implications for nature conservation and ecology against the advice given in PPG9. His evidence, upon which I rely, concludes that the proposals are both fully compliant with all the relevant policy and guidance as set out in PPG9, and would be beneficial to biodiversity.

Call-In Issue (i) - Relationship With The Proposed Development To The Relevant Policies And Provisions Of The Adopted UDP For The Royal Borough Of Kensington And Chelsea

19.42 The 'RBKC Site' is defined in the UDP as a *Major Development Site (No. 17)* which describes a number of *acceptable land uses* which will be appropriate for this site. The proposals contained in the planning application itself, and through the Section 106 obligation, in fact includes all of the *acceptable land uses* referred to in proposals for *Major Development Site (No. 17)*. Therefore, the proposals are entirely consistent in land use terms with the site specific policy of the UDP to provide mixed use development.

19.43 Within *Chapter 5 - Housing* of the UDP, the proposals for a total of 420 dwellings, of which it is proposed that 165 units (39%) would be affordable homes, will make a major contribution to the

- strategic requirement set out in the London Plan for the provision of 10,800 additional homes in RBKC between 1997 and 2016.
- 19.44 The proposals are consistent with **Policy H2** of the UDP which expresses a general presumption in favour of the development of land for residential use. Similarly, conformity is achieved with **Policy H3** insofar as the scheme proposes the conversion of the Power Station, being a building previously in commercial use as an electrical utility, for residential use.
- 19.45 Although the proposed density on the 'RBKC Site', at 651 hr/ha, is a good deal higher than the threshold 'very high density' indicated at **Policy H12**, it is evident that both Government policy, as indicated in PPG3, and the strategic policy guidance provided at **Policy 4B.3** of the London Plan, are directed towards in the words of **Policy 4B.3** achieving the "*highest possible intensity of use compatible with local context, the design principles in Policy 4B.1 and with public transport capacity.*" Therefore, **Policy H12** of the UDP itself requires to be considered in the context of this strategic policy guidance which post dates the adoption of the UDP. In any event, **Policy H12** is complied with insofar as the higher density for the 'RBKC Site' proposed by Circadian not only results from the desire to achieve the maximum intensity of development on this important urban regeneration site, but, also, and importantly, to achieve high density for townscape reasons.
- 19.46 **Policy H15**, which is cross referenced to the policy for *Major Development Site (No. 17)*, requires a substantial proportion of housing to be provided on major development sites, of which the 'RBKC Site' is one. The proposals involve the provision of 420 new residential units on the 'RBKC Site', at a density which makes the best use of this previously developed urban site, and maximises its development potential for residential purposes. Therefore, the proposed development is entirely in accord with **Policy H15**.
- 19.47 I am of the view that the mix and type of affordable units proposed is consistent with the requirements of **Policy H23** of the UDP, which requires the Council to negotiate the provision of affordable housing on *Major Development Sites*. I would emphasise that, in any event, **Policy H23** of the UDP is not prescriptive in terms of achieving any benchmark for the delivery of affordable housing. In each case, as confirmed at **Policy 3A.8** in the London Plan, it is a matter for boroughs to negotiate an appropriate amount of affordable housing having regard to the specific site in question, and other relevant factors which determine its development such as site costs, the availability of public subsidy and other scheme requirements. I would point out that in this case, the amount of affordable housing proposed, not only the 'RBKC Site', but on 'The Site' as a whole, has resulted from extensive discussions between Circadian and RBKC, as advised in both the RBKC UDP and the London Plan.
- 19.48 In relation to the relevant policies of the UDP within the *Conservation and Development Chapter*, I am able to conclude that the proposals in respect of the 'RBKC Site' are in accordance with **Policies CD1, CD16, CD25, CD27, CD28 and CD63**. The proposals are wholly compliant with all the relevant policies of the *Conservation and Development Chapter* of the UDP, except that there is a conflict, as matter of fact, with the second part of **Policy CD6** which seeks to place a height restriction on development along the riverside in order to preserve and enhance the waterfront character. However, in applying this policy a sensible judgement needs to be made as to whether the proposals against which the policy is to be applied are in accord with the dominant purpose and objective of the policy, namely the first part of **Policy CD6** which requires "*any development on the riverside to preserve and enhance the waterfront character, protect or improve physical and visual links between the River and the rest of the borough ...*"

- 19.49 My analysis, and that contained in other evidence to which I have referred, has demonstrated that there is no architectural or townscape justification for rejecting the present proposals on the basis of the height restriction in **Policy CD6**. The proposals would achieve the objectives of **Policy CD6** to preserve and enhance the waterfront character, and also to improve physical and visual links between the River and the rest of the borough.
- 19.50 The proposals for the 'RBKC Site' are entirely in accordance with the employment provisions (*Chapter 6 – Offices and Industry*) of the UDP through the proposed provision of Class B1 accommodation.
- 19.51 The provision of new social and community facilities to meet local needs satisfies the requirements of *Chapter 9 – Social and Community Uses*.
- 19.52 With regard to *Chapter 11 – Leisure and Recreation*, there are no standards in the UDP which are relevant to the calculation of the quantum of open space to be provided in new development, and the 'RBKC Site' is not within an area deficient in publicly accessible open space. The scheme proposals for the provision of publicly accessible areas and open space on the 'RBKC Site', involve the creation in the former Power Station of Power Station Street, which will provide for the first time public access to the former electrical utility building. This will be a magnificent glass roof internal street, and would represent a significant new addition to the public realm. Also, Power Station Plaza will be a landscaped open space designed to create a spacious setting for the Power Station. The proposals also make provision for a riverside walk and through the Section 106 obligation towards the funding of public sports facilities in the vicinity of the development and improvements to Westfield Park.
- 19.53 With regard to *Chapter 8 – Shopping*, the provision of a relatively small amount of retail floorspace within a mixed use development is in accord with the requirements of the UDP, both in general terms in the context of **Policy S10** to provide for convenience shopping in appropriate development schemes, and locationally to meet the requirements of **Policy S11** which seeks specifically to encourage local shopping facilities to meet the day to day needs of residents in the Lots Road area. The provision of Class A3 floorspace will complement the proposed shops and enhance the quality, character and viability of this mixed used development. The retail facilities proposed will serve the recognised needs of existing residents in this part of south-west Chelsea, together with the new residents in the development itself.
- 19.54 From the above analysis, I am able to conclude that the proposed development is in accord with all the relevant policy objectives of the RBKC UDP.

Overall Conclusions

- 19.55 For all the above reasons, I am satisfied that the proposals are in general accordance with the development plan, comprising the London Plan, the LBHF UDP and RBKC UDP, for the purposes of Section 38 (6) of the 2004 Act. The proposals also accord with relevant national policy guidance.
- 19.56 PPG1 advises at paragraph 40 that there is a presumption in favour of the grant of planning permission for proposals which conform with the development plan, as the Circadian proposals do. I have not identified any material considerations that militate against the granting of planning permission in this case. Indeed, there are material considerations in terms of the benefits that weigh strongly in favour of planning permission being granted for both planning applications, which would deliver a single cohesive comprehensive mixed use development of these important riverside brownfield sites.

- 19.57 In the event that the First Secretary of State does not grant planning permission for the Circadian proposals, the subject of this Inquiry, I have in my evidence referred to the 'fall-back' position which Circadian is reasonably likely to adopt. The 'fall-back' outcome is likely to produce the remaining phase of the Chelsea Harbour scheme on the 'LBHF Site', which, amongst other disadvantages, lacks the design quality and planning benefits which will arise from the current proposals. On the 'RBKC Site', although a new scheme is likely to come forward, in due course, its timing and content must remain uncertain. Circadian cannot speculate on the Secretary of State's decision on this scheme, and must, therefore, wait and consider the Secretary of State's decision before proceeding further with any proposals on the 'RBKC Site'.
- 19.58 In relation to the 'fall-back' position, it is plain that the redevelopment of the 'LBHF Site' and 'RBKC Site' on a separate and independent basis would be the antithesis to comprehensive regeneration. The failure to achieve the current comprehensive development proposals, would be likely to result in significant lost planning and economic opportunities for 'The Site'. From a planning point of view, the development of the 'RBKC Site' and the 'LBHF Site' separately would not come close to achieving the planning and transportation benefits to be derived from the comprehensive redevelopment proposals the subject of this Inquiry.
- 19.59 Accordingly, I recommend that planning permission be granted, subject to appropriate conditions, and also subject to the completion of the Section 106 obligation, on the terms as referred to in my evidence.

20.0 DECLARATION

In the preparation of this evidence, I affirm that:

- (i) to the best of my knowledge, the matters contained in this evidence are complete, accurate and truthful;
- (ii) this evidence includes all facts disclosed to me which I consider to be relevant to my opinions and I have drawn attention to any matters which in my knowledge may affect the validity of those opinions; and
- (iii) this evidence complies with the requirements of the Royal Institution of Chartered Surveyors' Practice Statement as set out in "Surveyors Acting as Expert Witnesses".

Signed
A J Simmonds BSc. (Est. Man.) FRICS

Dated 7 January 2005

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DP9

**SUMMARY PROOF OF EVIDENCE
OF
ALAN J SIMMONDS BSc (Est. Man) FRICS**

CIRCADIAN LIMITED

AND

LONDON BOROUGH OF HAMMERSMITH & FULHAM

AND

ROYAL BOROUGH OF KENSINGTON AND CHELSEA

**LAND AT LOTS ROAD POWER STATION AND THAMES AVENUE,
LONDON SW10**

**PINS REFERENCE: APP/K5600/A/04/1146268
APP/H5390/V/04/1148781**

JANUARY 2005

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1.0 INTRODUCTION

- 1.1 I appear at this Inquiry in support of two full planning applications submitted by Circadian Limited, hereinafter referred to as Circadian, a joint venture partnership formed between Taylor Woodrow Capital Developments and Hutchison Whampoa Property. The applications relate to one site within the administrative boundary of the London Borough of Hammersmith and Fulham (LBHF), subsequently referred to as the 'LBHF Site', and a site within the Royal Borough of Kensington and Chelsea (RBKC), referred to as the 'RBKC Site'. The application to LBHF was submitted on 12 December 2002 (under reference 2002/03132/FUL), and the application to RBKC on the 6 June 2002 (under reference PP/02/01324). Although, as matter of necessity, two separate planning applications were submitted, the proposals in both applications relate to each other, and are intended to represent comprehensive development as a single scheme. I refer throughout my evidence to 'The Site', which comprises both the 'LBHF Site' and 'RBKC Site'.
- 1.2 The planning application submitted to LBHF was formally considered at a meeting of the Planning Applications Committee of LBHF on 25 June 2003, which considered a report by the Director of Environment with the recommendation that planning permission be granted, subject to conditions, and the completion of a Section 106 obligation. The Committee resolved that planning permission be granted, subject to the conditions, and the completion of a Section 106 obligation on the terms as set out in the Committee report.
- 1.3 The application submitted to RBKC was formally referred to a meeting of the Major Planning Applications Committee of the RBKC on 15 September 2003, with the recommendation of the Executive Director (Planning and Conservation) that planning permission be granted, subject to conditions and the completion of a Section 106 obligation to deal with the matters set out at section 9.0 of the Committee report. The application was deferred from that Committee meeting with a request from Members that additional information be provided. An Addendum Report of the Executive Director was taken to a meeting of the Major Planning Applications Committee on 28 October 2003, again with the recommendation that planning be granted. However, the Committee, against the advice of the Executive Director, resolved to refuse planning permission. The decision notice, dated 13 November 2003, stated the following reason for refusal:
- "The proposed development would include a new building which would significantly exceed the height of existing buildings to the east of Blantyre Street and that of neighbouring buildings. Consequently, this would represent a departure from the 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."*
- 1.4 The First Secretary of State, on 19 April 2004, called in the LBHF application for his own determination, and at paragraph 4 of the call-in letter indicated that he wished to be informed on the following matters as set out in sections 2.0 to 10.0 below. The issues identified in the call-in letter also subsume consideration of the grounds of refusal referred to in the decision notice issued by RBKC on 13 November 2003, and, in particular, at paragraph 4(i) of the call-in letter which refers to the relationship of the development proposals and the provisions of the adopted UDP for RBKC.
- 2.0 **CALL-IN ISSUE (A) – RELATIONSHIP OF THE PROPOSED DEVELOPMENT TO POLICIES OF THE ADOPTED LONDON BOROUGH OF HAMMERSMITH AND FULHAM UDP**
- 2.1 In the LBHF UDP, there are two specific site proposals relevant to the 'LBHF Site'. First, *Site 22 Chelsea Creek* for which the proposals involve the remodelling of the existing Creek edges from existing vertical form to a terraced Creek edge to provide a more gradational transition of habitats and Creek planting opportunities. These proposed engineering works, amongst other matters, will serve to ensure the minimisation of the long term siltation and loss of Creek, foreshore and flood capacity.

Second, with regard to the *Site 22A Chelsea Harbour 2*, the proposals are for 382 residential units with the provision of significant areas of publicly accessible open space to include a riverside walk. It is plain that the proposals for the 'LBHF Site' are in conformity with the requirements of both site specific Policies 22 and 22A.

2.3 The Circadian proposals satisfy the policy requirements of *Chapter 4 – Environment* of the UDP in relation to conservation areas, design high buildings, open space, nature conservation and river and canal policies.

2.4 In *Chapter 6 – Housing*, the proposals meet the objective of **Policy HO5** in seeking to achieve the maximum reasonable proportion of affordable housing in any development, through the provision of 213 affordable homes, representing 56% of the total number of residential units. I am satisfied that the proposals for the quantum, type and mix of affordable homes is in conformity with **Policy HO6**, and accords with the predominant demonstrated housing need for this borough.

2.5 In relation to the matter of density, it is important to recognise that the 'LBHF Site' is a large brownfield site in need of regeneration for the benefit of the local community. It is a fundamental tenet of both national and regional policy that full and effective use must be made of previously developed urban land for the purposes of increasing the nations housing stock. It follows that such sites need to be developed intensively, commensurate with other planning and environmental requirements, at locations which are also sustainable. The 'LBHF Site' is such a location, and the proposals in formulating a high density development are to be regarded as consistent with all relevant planning policy on this matter. Development proposals at high density ensure the full and effective, and sustainable, use of scarce brownfield land in Central London, which is to be regarded as a major benefit of the proposed development.

2.6 I am able to conclude that the proposals conform with all the relevant policy requirements of the LBHF UDP applicable to this development. This conclusion, as I understand it, is shared by LBHF.

3.0 **CALL-IN ISSUE (B) – RELATIONSHIP OF THE PROPOSED DEVELOPMENT TO THE RELEVANT POLICIES AND PROVISIONS OF THE LONDON PLAN IN PARTICULAR THOSE CONCERNED WITH DEVELOPMENT AFFECTING THE THAMES**

3.1 As recognised by The Mayor, 'The Site' is one of only a small number of large opportunity sites in Central London that can deliver a significant contribution to meeting the housing targets as set out in the London Plan. The proposals will achieve this through the delivery of 802 new homes making a important contribution to The Mayor's objectives, at **Policy 3A.1** of the London Plan, to seek the maximum provision of additional housing in London.

3.2 Through the implementation of the transport related proposals, I am satisfied that 'The Site' will achieve high public transport accessibility to satisfy the requirements of **Policy 3A.5**. It is also to be noted that the second limb of **Policy 3A.5** requiring the provision of non-residential uses within large residential developments is satisfied by the proposals in terms of the mixed use development to include retail, Class B1 uses, community, leisure and health provision.

3.3 With regard to affordable housing, **Policy 3A.7** of the London Plan indicates that The Mayor's strategic target is that 50% of housing provision from all sources should be affordable, and that the London wide objective is that 70% should be social housing and 30% intermediate provision, together with the provision of mixed and balanced communities. Of the 802 new homes, 378 are proposed to be affordable, which is about 47% of the total. The Mayor has confirmed that the proportion of affordable housing proposed is consistent with the requirements of the London Plan and would represent a significant strategic gain to London housing needs.

- 3.4 The provision of new publicly accessible open space within the proposed development, guaranteed through the Section 106 obligation, serves to ensure that the proposals are fully compliant with **Policy 3D.11** of the London Plan.
- 3.5 At section *4B – Designs on London* of the London Plan, it is stated at **Policy 4B.1** that The Mayor seeks to ensure a number of objectives in relation to new development which I am satisfied are met by the proposed development. The requirements of **Policy 4B.2**, to provide world-class design are also achieved, as confirmed by the evidence of Professor Tavernor and the views expressed on this matter by other reputable authorities, principally CABE and English Heritage.
- 3.6 The Mayor accepts that the proposals have been designed to achieve the highest possible intensity of use, primarily for residential development, on a site which is recognised to be only one of a small number of opportunity sites in Central London which can make a significant contribution to the housing objectives of the London Plan. Accordingly, I am satisfied that the proposals discharge the objectives of **Policy 4B.3** of the London Plan. Also, the proposals will significantly enhance the quality of the public realm, satisfying the requirements of **Policy 4B.4**.
- 3.7 **Policy 4B.8**, under the heading *Tall buildings – Location*, is a policy which expresses a general presumption to promote the development of tall buildings where they can “*create attractive landmarks enhancing London’s character, help to provide a coherent location for economic clusters of related activities and/or act as a catalyst for regeneration and where they are also acceptable in terms of design and impact on their surroundings*”. It is to be noted that **Policy 4B.8** is not specific in terms of preferred locations in London for tall buildings, but the policy is framed in a more general and liberal manner in the sense that it is a promotional policy for the development of tall buildings where they create attractive landmarks enhancing London’s character. However, the policy is locational in certain respects. First, it refers to the development of tall buildings as providing a coherent location for economic clusters of related activities. Second, is the statement that tall buildings may act as a catalyst for regeneration, which is entirely apposite to the proposals. ‘The Site’ is without question an important derelict brownfield riverside site, and the proposals will achieve a single comprehensive mixed use development bringing forward significant benefits and advantages not only for the locality, but London generally.
- 3.8 An important criterion of **Policy 4B.8** is that tall buildings should be acceptable in terms of design and impact on their surroundings. As I have already said, the proposals for ‘The Site’ are recognised to represent world class architecture by one of the world’s leading architects, and these proposals have generally been praised independently by CABE and English Heritage. In terms of design and impact on their surroundings, the proposals have also been warmly welcomed by The Mayor. Accordingly, I am to conclude that the proposals, which include the development of two slender tall buildings on these important riverside sites, are entirely in accord with The Mayor’s locational strategy and design requirements for tall buildings, as confirmed by the GLA.
- 3.9 **Policy 4B.9** effectively incorporates the key criteria of the EH/CABE Guidance on Tall Buildings and requires that “*all large-scale buildings including tall buildings should be of the highest quality design*.” and satisfy the eleven criteria set out in the policy. A detailed analysis of the proposals in the context of the criteria referred to in **Policy 4B.9** has been undertaken in both the evidence of Sir Terry Farrell and Professor Tavernor. Their evidence demonstrates, and I agree, that the tall buildings proposed for ‘The Site’ are of the highest quality design, and, therefore, compliant with the requirements of **Policy 4B.9** of the London Plan.
- 3.10 The proposals have been formulated and devised around the central concept of renovating and adapting the former Power Station building. Although this building has not been considered to be suitable for listing by DCMS, English Heritage has expressed the view that the building and as many of its historic artefacts as possible, should be retained in the public interest. This expression of view by English Heritage has been respected by Circadian, who have formulated proposals to retain and convert the main

Power Station building into residential and commercial uses, whilst demolishing other redundant and unimportant structures previously forming part of the operational buildings of the Power Station. The fact that Circadian has responded in a positive manner to the views expressed by English Heritage, in retaining the main fabric of the Power Station worthy of preservation, is, I consider, a significant benefit of the scheme in terms of contributing to the preservation of the historic environment.

3.11 The evidence of Professor Tavernor is that the proposals will not have any adverse effect on the historic environment, and, conversely, will assist the preservation of London's heritage through the restoration and conversion of the Power Station to new uses, whilst the scheme generally will enhance and complement the setting of the Power Station building. Accordingly, I am able to conclude that the proposals are entirely consistent with The Mayor's policies as stated at Policy 4B.11 and 4B.12 of the London Plan. I am of the view that the proposals would stimulate environmental, economic and community regeneration in the Lots Road area, and achieve this through bringing back into economic use a building, namely the Power Station, which is widely regarded to be an important part of the fabric of London's heritage.

3.12 I am able to conclude that the Circadian proposals conform with all the relevant policy requirements of the London Plan applicable to this development. This conclusion, as I understand it, is shared by The Mayor.

4.0 CALL-IN ISSUE (C) –WHETHER THE PROPOSAL IS IN ACCORDANCE WITH PPG3 (HOUSING)

4.1 'The Site' is one which is both suitable and available for house building. In fact, 'The Site', as a matter of preferred land use, is promoted for residential development as part of site specific policies within both the respective UDPs of LBHF and RBKC (paragraph 3, PPG3).

4.2 The proposals, although residentially led, do represent a mixed use scheme which will provide a range of facilities for the local community. The housing proposed as part of the development scheme will be both varied in scale and form, and through the provision of affordable housing, which is fully integrated and not separated from the private housing development, will result in a scheme which is socially inclusive (paragraph 10, PPG3).

4.3 The housing provision within the scheme has been conceived and designed in full consultation with both LBHF and RBKC, to meet the housing needs of the area both in terms of providing low cost properties available for rent as part of a social housing commitment, as well as the provision of private accommodation to match local market requirements (paragraph 12, PPG3).

4.4 The proposals fully satisfy Government policy as set out at paragraph 22 of PPG3, as the scheme does involve both maximising the reuse of previously developed land, and the conversion of a former industrial building, that is the Power Station, for predominantly housing use. In doing so, the development will involve the economic regeneration of these now vacant brownfield urban sites.

4.5 The proposals will involve, for the first time on 'The Site', public access to these riverside sites, and will ensure through the creation of publicly accessible open space and walkways ensure high standards of permeability between the hinterland to 'The Site' and the River Thames. Also, the significant public transport enhancement contributions to be made through the Section 106 obligation, will ensure that the scheme is highly sustainable in transport terms (paragraph 47, PPG3).

4.6 The proposals through the creation of green areas of publicly accessible open space, together with environmental and nature conservation improvements to Chelsea Creek, will ensure that the proposed development has a suitable and appropriate 'green' residential environment (paragraph 52, PPG3).

- ~~4.7~~ The proposals have been designed to a high density to achieve the efficient and sustainable use of this previously-used urban land within Central London (paragraph 57, PPG3).
- 4.8 For all the above reasons, I am satisfied that the proposals are fully compliant with the advice given in PPG3.
- 5.0 CALL-IN ISSUE (D) – WHETHER THE PROPOSAL IS IN ACCORDANCE WITH PPG 13 (TRANSPORT)**
- 5.1 The evidence of Mr Walker is that the Lots Road/Chelsea Harbour area is accessible by public transport, and will become significantly more so as the result of the improved bus services being introduced by means of the Section 106 obligation. He also expresses the view that the Circadian regeneration proposals will provide more sustainable transport choices and promote accessibility by public transport, walking and cycling. In addition, the mixed use element of the proposals conforms to the guidance provided in PPG13, in that it can promote walking and cycling as a primary mode of travel.
- 5.2 Accordingly, and based on the evidence of Mr Walker, upon which I rely, I am able to conclude that the proposed development is compliant with Government advice as set out in PPG13.
- 6.0 CALL-IN ISSUE (E) - WHETHER THE PROPOSAL IS IN ACCORDANCE WITH PPG 17 (PLANNING FOR OPEN SPACE, SPORT AND RECREATION)**
- 6.1 It is stated in PPG17 that to ensure effective planning for open space it is essential that the needs of local communities are known, and that local authorities should undertake robust assessments of the existing and future needs of their communities for open space. This advice has been taken forward in the preparation of the respective UDPs now adopted by LBHF and RBKC, wherein an assessment has been undertaken by both planning authorities as to the adequacy and needs of open space in both boroughs. The 'LBHF Site' has been identified in the LBHF UDP as falling within an area of open space deficiency, although the 'RBKC Site' is not so classified.
- 6.2 It is evident from the consideration of the proposals through the planning application process, that LBHF and RBKC are satisfied that the qualitative and quantitative provision of public accessible open space proposed is both adequate and appropriate. It is important to note that no objection has been raised by either LBHF or RBKC to the quantum or type of open space provision in the proposed development.
- 6.3 Accordingly, I am able to conclude that the proposals are fully compliant with Government policy as set out in PPG17.
- 7.0 CALL-IN ISSUE (F) - WHETHER THE PROPOSAL IS IN ACCORDANCE WITH PPG 1 (GENERAL POLICIES AND PRINCIPLES)**
- 7.1 My examination of the proposals has demonstrated that the scheme is consistent with the principles of sustainable development. Also it is plain that the proposed development represents a major scheme of urban regeneration, and does involve the re-use of previously developed land. The proposals will help to achieve a sustainable pattern of development. In these and other respects, I am able to conclude that the proposals are fully compliant with one of the Government's main aims for the planning system, which is to achieve sustainable development (paragraphs 1 and 7, PPG1).
- 7.2 My evidence has demonstrated that the proposals are fully compliant with Government advice in terms of promoting a scheme of high quality mixed-use development, being a substantially residential led development, but incorporating other complementary uses to include Class B1 uses, Class A1, Class A3, community, health and leisure uses (paragraph 8, 9 and 12, PPG1).

7.3 Further advice is given at paragraph 16 of PPG1, that applicants for planning permission should be able to demonstrate how they have taken account of the need for good design in their development proposals, and that they have had regard to relevant development plan policies and supplementary design guidance. It is also stated that this should be done in a manner appropriate to the nature and scale of the proposals. In annex A to PPG1, at paragraph A5, the advice is given that applicants are encouraged to consult at an early stage with those, including local planning authorities, who may be expected to have a relevant and legitimate interest in the design aspects of their development proposals. This advice has clearly been followed by Circadian in this case, who in the formulation of the design proposals for 'The Site', engaged at a very early stage with both LBHF, RBKC, CABE and English Heritage. It is important to note that the proposed development is not only subject to any objection from the main statutory consultees including CABE, English Heritage and the Mayor, but is also supported by all three.

7.4 It is plain that the consultation process and engagement undertaken by Circadian and the Terry Farrell Partnership with both CABE, English Heritage and The Mayor has been an exemplar of good practice. The consultation process with these authorities indicates that the development and refinement of the Architectural Masterplan has taken place as a positive response to the views and constructive criticism received. It is also important to note that the views received from CABE, English Heritage and The Mayor, represent an unusually powerful consensus of support for the scheme at a strategic level.

7.5 I am satisfied, as is English Heritage, that the proposals would not be harmful to the historic environment (paragraph 32, PPG1). On the contrary, the proposals are overwhelmingly in the public interest, particularly in terms of adapting and converting the former Power Station building to suitable economic uses. The Power Station building, although not considered worthy of listing, is an important part of London's heritage, and will be preserved in the public interest and in part for public use, through these comprehensive development proposals. The restoration of the Power Station building will be undertaken at no expense to the public purse. However, if the proposals do not proceed in the comprehensive manner proposed, there will be, by virtue of the 'fall-back' position, a measure of uncertainty as to the future of the Power Station building and its regeneration and beneficial, long term use.

8.0 CALL-IN ISSUE (G) - WHETHER THE PROPOSAL IS IN ACCORDANCE WITH PPG 15 (PLANNING AND THE HISTORIC ENVIRONMENT)

8.1 Part of the 'LBHF Site', along the frontage of the River Thames and Chelsea Creek is within the Sands End Riverside Conservation Area. The river frontage to both the 'RBKC Site' and the 'LBHF Site' adjoins the river foreshore, which is part of the River Thames Conservation Area. Brompton Cemetery, within RBKC, is also a conservation area.

8.2 The evidence of Professor Tavernor is that the proposals would enhance the character and appearance, of the Sands End Riverside Conservation Area, and enhance the settings of the River Thames Conservation Area and the Brompton Cemetery. As a result, the relevant policies of the development plan, being Policy EN2 in the LBHF UDP and Policy CD63 in the RBKC UDP, together with the advice given in PPG15, are satisfied.

8.3 There are no listed buildings in LBHF and RBKC which are affected by the proposals. However, the Brompton Cemetery is included in the Register of Parks and Gardens of Special Historic Interest in England. Professor Tavernor expresses the view, upon which I rely, that the impact of the proposal for the tall building on the 'RBKC Site' would be minor but beneficial to the character or appearance, or setting, of the Brompton Cemetery.

8.4 In these circumstances, I am able to conclude that the proposals would have no adverse effect on the historic environment, and would accord with the development plan and relevant advice in PPG15.

9.0 CALL-IN-ISSUE (H) - WHETHER THE PROPOSAL IS IN ACCORDANCE WITH PPG 9 (NATURE CONSERVATION)

9.1 Mr Arthur examines the proposals in terms of the implications for nature conservation and ecology against the advice given in PPG9. His evidence, upon which I rely, concludes that the proposals are both fully compliant with all the relevant policy and guidance as set out in PPG9, and would be beneficial to biodiversity.

10.0 CALL-IN ISSUE (I) - RELATIONSHIP WITH THE PROPOSED DEVELOPMENT TO THE RELEVANT POLICIES AND PROVISIONS OF THE ADOPTED UDP FOR THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA

10.1 The 'RBKC Site' is defined in the UDP as a *Major Development Site (No. 17)* which describes a number of *acceptable land uses* which will be appropriate for this site. The proposals contained in the planning application itself, and through the Section 106 obligation, in fact includes all of the *acceptable land uses* referred to in proposals for *Major Development Site (No. 17)*. Therefore, the proposals are entirely consistent in land use terms with the site specific policy of the UDP to provide mixed use development.

10.2 Within *Chapter 5 - Housing* of the UDP, the proposals for a total of 420 dwellings, of which it is proposed that 165 units (39%) would be affordable homes, will make a major contribution to the strategic requirement set out in the London Plan for the provision of 10,800 additional homes in RBKC between 1997 and 2016.

10.3 The proposals are consistent with **Policy H2** of the UDP which expresses a general presumption in favour of the development of land for residential use. Similarly, conformity is achieved with **Policy H3** insofar as the scheme proposes the conversion of the Power Station, being a building previously in commercial use as an electrical utility, for residential use.

10.4 Although the proposed density on the 'RBKC Site', at 651 hr/ha, is a good deal higher than the threshold 'very high density' indicated at **Policy H12**, it is evident that both Government policy, as indicated in PPG3, and the strategic policy guidance provided at **Policy 4B.3** of the London Plan, are directed towards in the words of **Policy 4B.3** achieving the "*highest possible intensity of use compatible with local context, the design principles in Policy 4B.1 and with public transport capacity.*" Therefore, **Policy H12** of the UDP itself requires to be considered in the context of this strategic policy guidance which post dates the adoption of the UDP. In any event, **Policy H12** is complied with insofar as the higher density for the 'RBKC Site' proposed by Circadian not only results from the desire to achieve the maximum intensity of development on this important urban regeneration site, but, also, and importantly, to achieve high density for townscape reasons.

10.5 **Policy H15**, which is cross referenced to the policy for *Major Development Site (No. 17)*, requires a substantial proportion of housing to be provided on major development sites, of which the 'RBKC Site' is one. The proposals involve the provision of 420 new residential units on the 'RBKC Site', at a density which makes the best use of this previously developed urban site, and maximises its development potential for residential purposes. Therefore, the proposed development is entirely in accord with **Policy H15**.

10.6 I am of the view that the mix and type of affordable units proposed is consistent with the requirements of **Policy H23** of the UDP, which requires the Council to negotiate the provision of affordable housing on *Major Development Sites*. I would emphasise that, in any event, **Policy H23** of the UDP is not prescriptive in terms of achieving any benchmark for the delivery of affordable housing. In each case, as confirmed at **Policy 3A.8** in the London Plan, it is a matter for boroughs to negotiate an appropriate amount of affordable housing having regard to the specific site in question, and other relevant factors which determine its development such as site costs, the availability of public subsidy and other scheme requirements. I would point out that in this case, the amount of affordable housing proposed, not only

the 'RBKC Site', but on 'The Site' as a whole, has resulted from extensive discussions between Circadian and RBKC, as advised in both the RBKC UDP and the London Plan.

10.7 Within *Chapter 4 – Conservation and Development*, there is a potential conflict between the development proposals and **Policy CD6**, and my approach on this particular matter, can be summarised as follows:

- (1) The development plan comprises the London Plan and the RBKC UDP.
- (2) In respect of tall buildings, the relevant policies are **Policy 4B.8** in the London Plan and **Policy CD6** in the RBKC UDP. **Policy 4B.8** in the London Plan, and supporting text, provides a general welcome and promotion of tall buildings where they create attractive landmarks. UDP **Policy CD6** is a restrictive policy insofar as it seeks to resist development that is of a height generally greater than existing buildings to the east of Blantyre Street. This is not intended to be a borough-wide restriction, and, therefore, is not in conflict with **Policy 4B.8** on that account.
- (3) However, when making a development control decision on proposals to which these two policies apply it is necessary to take account of the following factors:
 - (i) The strategic policy of promotion and welcome of tall buildings to meet The Mayor's aspirations for a compact city and to achieve townscape benefits.
 - (ii) The fact that at the local level, **Policy CD6** is concerned with a particular objective, discerned in the first part of the policy itself, namely the preservation and enhancement of the waterfront character and the protection and improvement of the visual and physical links between the riverside and the rest of the borough. It is to be noted that paragraph 4.2.10 of the UDP states that the principal objective is to enhance the special character of the riverside.

Accordingly, the correct approach to a development control decision is not to treat **Policy CD6** as a policy of embargo, contrary to the strategic thrust in **Policy 4B.8**, but, as a policy that demands attention be given to the specific circumstances of the proposed development, and requires an assessment as to whether the proposed development would come into conflict with the objectives identified. Thus **Policy CD6**, both invites and requires a proper fair and balanced judgement be applied to ascertain whether the proposed development would enhance the special character of the riverside.

- (4) Therefore, to treat **Policy CD6**, and to apply it as a policy of automatic embargo and unquestioning resistance would be wrong in principle, as well as being out of step with **Policy 4B.8**, and in that respect anachronistic. What is required, as **Policy 4B.8** makes plain, is that the decision maker should consider aspects of local character that could be affected and apply a sensible judgment. This is what the witnesses on behalf of Circadian have done.
- (5) Whilst it must be and is admitted that the proposed development does conflict, as a matter of fact, with the second part of **Policy CD6**, because it would contain buildings of a greater general height than those existing to the east of Blantyre Street, this of itself is insufficient. A sensible judgement must also be reached as to the effect of the proposal. In my view, the development fully accords with the substantive thrust of **Policy CD6** because:
 - (i) It would not merely preserve, but would enhance the waterfront character, as the evidence of Sir Terry Farrell and Professor Tavernor demonstrates.

- (ii) It would not harm, but would serve to improve both physical and visual links between the River and the rest of the borough.
 - (iii) It would be conducive and complementary to the aspects of local character referred to at paragraph 4.2.10 of the UDP, namely, buildings and open spaces adjoining the riverside; the Royal Hospital and grounds; the Chelsea Physic Garden and buildings on Cheyne Walk. None of these interests are harmed by the proposed development.
 - (6) Above all, the development would enhance the special character of the riverside as demonstrated in the evidence of Sir Terry Farrell and Professor Tavernor.
 - (7) In particular, the proposed development would provide a mix of uses, including publicly available uses on ground and lower floors of buildings adjacent to the River, in a safe and interesting environment. The quality of the design and its sensitivity to local context are entirely appropriate, and have been the subject of extensive consultation with the statutory consultees.
 - (8) In all material respects, therefore, the proposals before the Inquiry are consistent with the substance and objectives of **Policy CD6** of the UDP and the general thrust of strategic **Policy 4B.8** of the London Plan
- 10.8 In relation to the relevant policies of the UDP within the *Conservation and Development Chapter*, I am able to conclude that the proposals in respect of the 'RBKC Site' are in accordance with **Policies CD1, CD16, CD25, CD27, CD28 and CD63**. The proposals are wholly compliant with all the relevant policies of the *Conservation and Development Chapter* of the UDP, except that there is a conflict, as matter of fact, with the second part of **Policy CD6** which seeks to place a height restriction on development along the riverside in order to preserve and enhance the waterfront character. However, in applying this policy a sensible judgement needs to be made as to whether the proposals against which the policy is to be applied are in accord with the dominant purpose and objective of the policy, namely the first part of **Policy CD6** which requires "*any development on the riverside to preserve and enhance the waterfront character, protect or improve physical and visual links between the River and the rest of the borough ...*" My analysis, and that contained in other evidence to which I have referred, has demonstrated that there is no architectural or townscape justification for rejecting the present proposals on the basis of the height restriction in **Policy CD6**. The proposals would achieve the objectives of **Policy CD6** to preserve and enhance the waterfront character, and also to improve physical and visual links between the River and the rest of the borough.
- 10.9 The proposals for the 'RBKC Site' are entirely in accordance with the employment provisions (*Chapter 6 – Offices and Industry*) of the UDP through the proposed provision of Class B1 accommodation.
- 10.10 The provision of new social and community facilities to meet local needs satisfies the requirements of *Chapter 9 – Social and Community Uses*.
- 10.11 With regard to *Chapter 11 – Leisure and Recreation*, there are no standards in the UDP which are relevant to the calculation of the quantum of open space to be provided in new development, and the 'RBKC Site' is not within an area deficient in publicly accessible open space. The scheme proposals for the provision of publicly accessible areas and open space on the 'RBKC Site', involve the creation in the former Power Station of Power Station Street, which will provide for the first time public access to the former electrical utility building. This will be a magnificent glass roof internal street, and would represent a significant new addition to the public realm. Also, Power Station Plaza will be a landscaped open space designed to create a spacious setting for the Power Station. The proposals also make provision for a riverside walk and through the Section 106 obligation towards the funding of public sports facilities in the vicinity of the development and improvements to Westfield Park.

- 10.12 With regard to *Chapter 8—Shopping*, the provision of a relatively small amount of retail floorspace within a mixed use development is in accord with the requirements of the UDP, both in general terms in the context of **Policy S10** to provide for convenience shopping in appropriate development schemes, and locationally to meet the requirements of **Policy S11** which seeks specifically to encourage local shopping facilities to meet the day to day needs of residents in the Lots Road area. The provision of Class A3 floorspace will complement the proposed shops and enhance the quality, character and viability of this mixed used development. The retail facilities proposed will serve the recognised needs of existing residents in this part of south-west Chelsea, together with the new residents in the development itself.
- 10.13 From the above analysis, I am able to conclude that the proposed development is in accord with all the relevant policy objectives of the RBKC UDP.
- 11.0 OVERALL CONCLUSIONS**
- 11.1 For all the above reasons, I am satisfied that the proposals are in general accordance with the development plan, comprising the London Plan, the LBHF UDP and RBKC UDP, for the purposes of Section 38 (6) of the 2004 Act. The proposals also accord with relevant national policy guidance.
- 11.2 PPG1 advises at paragraph 40 that there is a presumption in favour of the grant of planning permission for proposals which conform with the development plan, as the Circadian proposals do. I have not identified any material considerations that militate against the granting of planning permission in this case. Indeed, there are material considerations in terms of the benefits that weigh strongly in favour of planning permission being granted for both planning applications, which would deliver a single cohesive comprehensive mixed use development of these important riverside brownfield sites.
- 11.3 In the event that the First Secretary of State does not grant planning permission for the Circadian proposals, the subject of this Inquiry, I have in my evidence referred to the 'fall-back' position which Circadian is reasonably likely to adopt. The 'fall-back' outcome is likely to produce the remaining phase of the Chelsea Harbour scheme on the 'LBHF Site', which, amongst other disadvantages, lacks the design quality and planning benefits which will arise from the current proposals. On the 'RBKC Site', although a new scheme is likely to come forward, in due course, its timing and content must remain uncertain. Circadian cannot speculate on the Secretary of State's decision on this scheme, and must, therefore, wait and consider the Secretary of State's decision before proceeding further with any proposals on the 'RBKC Site'.
- 11.4 In relation to the 'fall-back' position, it is plain that the redevelopment of the 'LBHF Site' and 'RBKC Site' on a separate and independent basis would be the antithesis to comprehensive regeneration. The failure to achieve the current comprehensive development proposals, would be likely to result in significant lost planning and economic opportunities for 'The Site'. From a planning point of view, the development of the 'RBKC Site' and the 'LBHF Site' separately would not come close to achieving the planning and transportation benefits to be derived from the comprehensive redevelopment proposals the subject of this Inquiry.
- 11.5 Accordingly, I recommend that planning permission be granted, subject to appropriate conditions, and also subject to the completion of the Section 106 obligation, on the terms as referred to in my evidence.

**APPENDICES
TO
PROOF OF EVIDENCE
OF
ALAN J SIMMONDS BSc (Est. Man) FRICS**

**CIRCADIAN LIMITED
AND
LONDON BOROUGH OF HAMMERSMITH & FULHAM
AND
ROYAL BOROUGH OF KENSINGTON AND CHELSEA**

**LAND AT LOTS ROAD POWER STATION AND THAMES AVENUE,
LONDON SW10**

**PINS REFERENCE: APP/K5600/A/04/1146268
APP/H5390/V/04/1148781**

APPENDICES

1. A synopsis of relevant planning policies.
2. Comparison between 2002/03 planning applications and October 2004 amended scheme
3. Density calculations for 2004 scheme
4. CABE letter, dated 19 November 2001, to Terry Farrell & Partners
5. CABE letter, dated 8 August 2002, to LBHF
6. CABE letter dated 13 December 2002, to Terry Farrell & Partners
7. English Heritage letter, dated 27 June 2001, to Montagu Evans
English Heritage News Release dated 27 June 2001
8. English Heritage letter, dated 12 August 2002, to LBHF
9. English Heritage letter, dated 19 March 2003, to RBKC
10. Report from David Parker of Pioneer Property Services Limited

Appendix 1

A synopsis of relevant planning policies.

A SYNOPSIS OF RELEVANT PLANNING POLICIES

- 1.0 The London Plan 2004
- 2.0 The London Borough of Hammersmith and Fulham UDP 2003
- 3.0 The Royal Borough of Kensington and Chelsea UDP 2002
- 4.0 PPG4 – Industrial and Commercial Development and Small Firms (November 1992)
- 5.0 PPG6: Town Centres and Retail Developments (June 1996)

1.0 The London Plan 2004

Chapter 2A - The Overall Strategy

1.1 In chapter 2 of The London Plan under the heading *The Overall Strategy*, it is stated at paragraph 2.6 that all policies in the plan promote sustainable development. **Policy 2A.1** under the heading *Sustainability Criteria* sets out a number of criteria which The Mayor will take into account when planning applications are referred to him.

- Optimising the use of previously developed land and vacant or under-used buildings
- Ensuring that development occurs in locations that are currently, or are planned to be, accessible by public transport, walking and cycling.
- Ensuring that development occurs in locations that are accessible to town centres, employment, housing, shops and services
- Ensuring that development takes account of the capacity of existing or planned infrastructure including public transport, utilities and community infrastructure, such as schools and hospitals.
- Taking account of physical constraints on the development of land, including, for example, flood risk, ensuring that no significant harmful impacts occur, or that such impacts are acceptably mitigated.
- Taking account of the impact that development will have on London's natural resources, environmental and cultural assets and the health of local people.
- Taking account of the objectives of preventing major accidents and limiting their consequences.
- Taking account of the suitability of sites for mixed use development and the contribution that development might make to strengthening local communities.

Chapter - 3A Living in London

1.2 It is stated at **Policy 3A.1 Increasing London's Supply of Housing** that:

"The Mayor will seek the maximum provision of additional housing in London towards achieving an output of 30,000 additional homes per year from all sources.

Housing provision up to 2006 will be monitored against a minimum target of 23,000 additional homes per year, and the Borough targets set out in Table 3A.1. This figure will be reviewed by 2006 and periodically thereafter.

The Mayor will promote policies that seek to achieve and to exceed this target."

1.3 At **Policy 3A.2 Borough Housing Targets** it is stated that UDP policies should seek to exceed the figures in Table 3A.1 and to address the suitability of housing and development in terms of location, type of development and impact on the locality. It is also stated that UDPs should identify new sources of supply having regard to a number of factors to include:

- *change of use of unneeded industrial/employment land to residential or mixed use development*
- *intensification of housing provision through development at higher densities particularly where there is good access to public transport."*

- 1.4 Table 3A.1 under the heading *Provision for additional 'homes' targets 1997-2016*, shows for LBHF a total target of 8,040, and for RBKC 10,800.
- 1.5 Policy 3A.4 *Housing choice* states that boroughs should take steps to identify the full range of housing needs within their area and policies should seek to ensure that new developments offer a range of housing choices, that all new housing is built to *Lifetime Homes* standards, and that 10% of new housing is designed to be wheelchair accessible.
- 1.6 Policy 3A.5 *Large residential developments* states that boroughs “*should encourage proposals for large residential developments in areas of high public transport accessibility, including the provision of suitable non-residential uses within such schemes.*”
- 1.7 Policy 3A.7 *Affordable housing targets* states as follows
- “*UDP policies should set an overall target for the amount of affordable housing provision over the plan period in their area, based on an assessment of all housing needs and a realistic assessment of supply. In setting targets boroughs should take account of regional and local assessments of need, the Mayor's strategic target for affordable housing provision at 50 percent of provision should be affordable and, within that, the London wide objective of 70 percent social housing and 30 percent intermediate provision, and the provision of mixed and balanced communities.*”
- 1.8 Policy 3A.8 *Negotiating affordable housing in individual private residential and mixed-use schemes* states that:
- “*Boroughs should seek the maximum amount of affordable housing when negotiating on individual private residential and mixed-use schemes, having regard to their affordable housing targets adopted in line with policy 3A.7, the need to encourage rather than restrain residential development and the individual circumstances of the site. Targets should be applied flexibly, taking account of individual site costs, the availability of public subsidy and other scheme requirements.*”

Chapter 3D - Enjoying London

- 1.9 Policy 3D.11 *Open space strategies* encourages boroughs to produce open space strategies to protect, create and enhance all types of open space in their area.
- 1.10 Policy 3D.12 *Biodiversity and nature conservation* seeks to ensure a proactive approach to the protection, promotion and management of biodiversity in support of The Mayor's *Biodiversity Strategy*.

Chapter 4B - Designs on London

- 1.11 Policy 4B.1 *Design principles for a compact city* states that The Mayor will seek to ensure that developments:
- “
- *maximise the potential of sites*
 - *create or enhance the public realm*
 - *provide or enhance a mix of uses*
 - *are accessible, usable and permeable for all users*

- *are sustainable, durable and adaptable*
- *are safe for occupants and passers-by*
- *respect local context, character and communities*
- *are practical and legible*
- *are attractive to look at and, where appropriate, inspire, excite and delight*
- *respect the natural environment*
- *respect London's built heritage."*

1.12 **Policy 4B.2** promoting world class architecture and design states that The Mayor will seek to promote world class design.

1.13 **Policy 4B.C Maximising the potential of sites** seeks to ensure that *"Development proposals achieve the highest possible intensity of use compatible in local context, the design principles in Policy 4B.1 and with public transport capacity ... The Mayor will refuse permission for strategic referrals that, taking into account context and potential transport capacity, under-use the potential of the site."*

1.14 **Policy 4B.4 Enhancing the quality of the public realm** requires that planning applications will be assessed in terms of their contribution to the enhancement of the public realm.

1.15 **Policy 4B.5 Creating an inclusive environment** states that The Mayor will require all future development to meet the high standards of accessibility and inclusion.

1.16 **Policy 4B.8 Tall buildings – location** states as follows:

"The Mayor will promote the development of tall buildings where they create attractive landmarks enhancing London's character, help to provide a coherent location for economic clusters of related activities and/or act as a catalyst for regeneration and where they are also acceptable in terms of design and impact on their surroundings. The Mayor will, and boroughs should, consider all applications for tall buildings against the criteria set out in Policies 4B.1, 4B.3 and 4B.9. The Mayor will work with boroughs and the strategic partnerships to help identify suitable locations for tall buildings that should be included in UDPs and Sub-Regional Development Frameworks. These may include parts of the Central Activities Zone and some Opportunity Areas.

Boroughs should take into account the reasons why the Mayor may support tall buildings when assessing planning applications that are referable to the Mayor.

Boroughs may wish to identify defined areas of specific character that could be sensitive to tall buildings within their UDPs. In doing so, they should clearly explain what aspects of local character could be affected and why. They should not impose unsubstantiated borough-wide height restrictions.

In considering applications for tall buildings, the Mayor will take into account the potential benefit of public access to the upper floors and may require such access."

1.17 In the explanatory text to **Policy 4B.8**, at paragraph 4.55 of The London Plan, it is stated that *"The compact city and intensive development does not necessarily imply high-rise buildings. London has achieved some of its highest residential densities in relatively low-rise areas, whilst isolated, poorly designed tower blocks have not necessarily delivered high density or usable public space."* It is then stated at paragraph 4.56 that:

“However tall buildings can be a very efficient way of using land and can make an important contribution to creating an exemplary, sustainable world city. They can support the strategy of creating the highest levels of activity at locations with the greatest transport capacity. Well-designed tall buildings can also be landmarks and can contribute to regeneration and improve London’s skyline.”

- 1.18 **Policy 4B.9 Large-scale buildings – design and impact** states that all large scale buildings including tall buildings should be of the highest quality and design and satisfy a number of criteria as set out in the policy.

- 1.19 In the explanatory text to **Policy 4B.9**, at paragraph 4.58, it is stated that *“Tall buildings make a significant impact, not just locally, but across large parts of London. They also create the opportunity for magnificent views across the capital....”* It is also stated at paragraph 4.59 that:

“Tall buildings can have particular impacts on waterways. Proposals for tall buildings near the Blue Ribbon Network should meet the design requirements set out above and address these specific impacts on the water spaces. These impacts include those on hydrology, on the biodiversity of the water space and on the public realm of the waterside, particularly in terms of wind turbulence effects and visual appearance of canyonisation along water courses.”

- 1.20 **Policy 4B.10 London’s built heritage** states that The Mayor will protect and enhance London’s historic environment.

- 1.21 **Policy 4B.15 London view protection framework** states that when strategic view directions are withdrawn, The Mayor will protect a set of strategically important views listed in Table 4B.2.

Chapter 4C - The Blue Ribbon Network

- 1.22 *The Blue Ribbon Network* includes the Thames and tributaries, it is stated and **Policy 4C.3 The natural value of the Blue Ribbon Network** that The Mayor and the boroughs will protect and enhance the biodiversity of the Blue Ribbon Network.

2.0 The London Borough of Hammersmith & Fulham UDP 2003

Proposals Map

- 2.1 The Proposals Map shows that there are two specific site proposals relevant to *The 'LBHF Site'* within LBHF. The first is **Site 22 – Chelsea Creek**, which is stated to be 0.38 hectares. Under the heading *Nature Conservation* it is stated as follows:

“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.”

- 2.2 Reference is made to policies in other chapters to include EN27 and EN28.

- 2.3 The second site proposal is **Site 22A Chelsea Harbour 2** which is stated to be an area of 2.01 hectares. Under the heading *Residential, Open Space and Riverside Walk* it is stated as follows:

“The site consists of land in two ownerships. Part is in P&O’s ownership and is landscaped and linked to the existing Chelsea Harbour development, and part is occupied by an oil storage tank and other London Underground Limited (LUL) land. Both parcels of land are subject to the original planning permission for Chelsea Harbour and could be developed for residential and amenity space in accordance with that permission. Upon decommissioning of the Lots Road Electricity Generating Station in Royal Borough of Kensington and Chelsea the oil storage tank site will no longer be required by LUL and will become available for development.

A mix of residential and open space use would be appropriate for the combined P&O and LUL site. In accordance with affordable housing policies, on such a site the council would normally expect to see the maximum amount of affordable housing. The 1986 scheme included funding for off-The RBKC Site affordable housing, but this does not negate the need for further provision. The oil storage tank site 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 provision of the riverside walk will also be required. The amount of new open space to be provided will be considered against Policies EN23 and EN23B. The provision of the riverside walk will also be required and appropriate river based and river related facilities will be welcomed, provided that they do not undermine the primary development objectives for the RBKC Site are in accordance with Policy EN32.”

- 2.4 It is also stated that principal policy references in other chapters include: HO5, E3, EN31, EN23, EN23B, EN27, EN28, EN31, EN31A, EN32, EN31X and EN33, EN34 and EN34A.

- 2.5 The Proposals Map shows the whole of *The 'LBHF Site'* as being within the 'Thames Policy Area' where Policy EN31X applies.

- 2.6 The Proposals Map also identifies the proposed 'Thames Path National Trail' as running along the river banks of *The 'LBHF Site'* to both the River Thames and Chelsea Creek. It is stated that Policy EN34 applies.

- 2.7 Although the Proposals Map does not identify it, that part of *The 'LBHF Site'* to include the Thames frontage to the LBHF borough boundary, river walkway, and creek with towpath and banks up to the basin is now included within the Sands End Riverside Conservation Area Number 41, as adopted by the LBHF on 2 July 2002 (CD 229)

Chapter 4 Environment

- 2.8 In chapter 4 of the UDP under the heading *The Built Environment – Protection of Existing Character*, Policy EN2 under the heading *Development in Conservation Areas* provides that: *“Development within conservation areas, including alterations or additions to existing buildings, will only be permitted if the character or appearance of the conservation area is preserved or enhanced.....”* Policy EN2B under the heading *Effect of Development on the Setting of Conservation Areas and Views Into and Out of Them* states that *“Development (including development outside conservation areas) will only be permitted if the character or appearance of the conservation areas in terms of their setting and views into or out of them is preserved or enhanced.”*
- 2.9 Policy EN3 under the heading *Listed Buildings* seeks to protect buildings of special architectural or historic interest which are contained in the Department of Culture, Media and Sport’s statutory list. The policy indicates that the permission will not normally be granted for any development which would not preserve the setting of any listed building. However, it is agreed with the LBHF that there are no listed buildings within the administrative boundary of LBHF that are affected by the Circadian proposals.
- 2.10 Policy EN8 *Design of New Developments* seeks to ensure that development is of a high standard of design and compatible with the scale and character of existing developments and its setting.
- 2.11 Policy EN9 *High Buildings* advises 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 criteria relating to the visual impact on a conservation area, open space, the River, the Strategic Views, any listed buildings, townscape, wind speeds and relates to its surroundings.
- 2.12 Policy EN23 under the heading *New Open Space Provision in Connection with Development* seeks to ensure that all new development will be required to make provision of open space to meet the needs of the occupiers and users.
- 2.13 Policy EN23B *Childrens Play Areas* states that:
- “Where residential development that provides family dwellings is proposed, play space provision will be required by means of a communal play area on site or by the provision of, or a contribution to, new or enhanced facilities in the immediate vicinity. The scale of provision and associated play equipment, will be in proportion to the scale, and related to the nature of, the proposed development, in accordance with development standard S7.”*
- 2.14 Policy EN27 states that *Nature Conservation Areas* will be protected from development likely to cause demonstrable harm to their wildlife value. Figure 4.2 of UDP (page 104) shows a *Nature Conservation Area* immediately adjoining *The 'LBHF Site'*, being the foreshore to the River Thames and part of Chelsea Creek which is also notated on the Proposals Map as part of the *Thames Policy Area*.

- 2.15 **Policy EN31** under the heading *Important Views along, across, and from, the River* states that development within the Thames Policy Area will not be permitted if it would cause demonstrable harm to the view from various vantage points as set out in the policy.
- 2.16 **Policy EN31X** under the heading *Design of Development Within the Thames Policy Area* states as follows:
- “Development will not be permitted within the Thames Policy Area unless it respects the riverside context, is of a high standard of urban design and maintains or enhances the quality of the built environment. Schemes that meet these requirements, and, by their design, contribute to creating an attractive, safe and interesting riparian environment will be welcomed.”*
- 2.17 **Policy EN31A** under the heading *The Natural Environment of the Thames* states that the Council will seek to preserve and enhance the special character of the nature conservation and open space aspect of the Thames corridor and the quality of the natural environment of the Thames Policy Area.
- 2.18 **Policy EN32** *Provision of Water-Based Activity and Uses in the River*, in part, states that: *“development will not be permitted if it would result in the existing facilities in the river for water-based activities and uses, unless the facilities are demonstrably surplus to current or anticipated requirements, or unless alternative facilities of similar or greater utility are to be provided.”*
- 2.19 **Policy EN33** under the heading *Development of Riverside Sites* seeks to ensure that the development of any riverside site does not prejudice the continuation of existing uses that have a functional relationship with the River.
- 2.20 **Policy EN34** under the heading *The Riverside Walk* in part states that: *“The route for a continuous riverside walkthrough the borough alongside the River Thames, identified on the Proposals Map, will be safeguarded from development likely to prejudice its construction and completion.”*
- 2.21 **Policy EN34A** *Access to the Foreshore* states that *“development proposals on sites extending to the river edge will be required to ensure that safe access to and from the foreshore is maintained or, where appropriate, enhanced.”*

Chapter 6 Housing

- 2.22 **Policy HO5** *Affordable Housing* states 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 that includes residential use. The proportion of affordable housing will be determined having regard to the overall level and type of local need at the time of the application and the overall monitoring target of 65% of all new housing to be affordable.
- 2.23 **Policy HO6** ‘Housing mix and Special Needs’ states that development for 20 or more dwellings will only be permitted if 10% of the units are suitable for wheelchair users, a mixture of units provides to meet the needs for family and non-family households and for other groups with special needs.
- 2.24 **Policy HO7** ‘Residential Density’ sets out the criteria under which residential development can deliver a higher density than that outlined as the maximum standard.

- 2.25 **Policy HO8** 'Residential Environment' states that the Council will seek improvements of the residential environment.
- 2.26 **Policy HO12** 'Residential Amenity Space' states that all new dwellings should have access to an area of amenity space. New family dwellings should wherever practicable have direct access to private amenity or garden space. Where this is not possible, there should be access to a communal open amenity space.

3.0 The Royal Borough of Kensington and Chelsea UDP 2002

Proposals Map

- 3.1 The Proposal Map identifies the appeal site within RBKC as a *Major Development Site (No. 17)* being the *Lots Road Electricity Generating Station*. At page 366 of the UDP the *Acceptable Land Uses* on the site are described as follows:

“Residential (including affordable housing), Business (Offices, Light Industrial, R&D) along the Lots Road frontage, Retail, Food and Drink, Leisure, Healthcare, Public Open Space, Thames Path, Cycle Route.”

It is also stated that UDP policies H15 and H23 apply.

- 3.2 The Proposals Map also shows Site 17 as being within an *Area of Metropolitan Importance*; within the *Thames Policy Area*; within an *Employment Zone*; shows the frontage of the ‘RBKC Site’ to the River Thames as part of the ‘Proposed Thames Path’; and shows a ‘Bridge Over Chelsea Creek’.

Chapter 4 - Conservation and Development

- 3.3 At paragraph 4.2.3 of the UDP under the headings *Areas of Metropolitan Importance* and *Thames Policy Area*, it is stated that by virtue of its character and appearance the Thames and foreshore constitutes one of the greatest of all London’s areas of metropolitan importance. It is stated that the boundary of the area has been enlarged to include Chelsea Creek and the World’s End Estate. The Thames Policy Area is also a site of metropolitan importance for nature conservation, and it is pointed out at paragraph 4.2.3 that the council has designated the whole of the Thames within the Borough boundaries as a conservation area and proposed a proposals statement. At paragraph 4.2.4 it is stated that *“the greater part of the stretch of the Thames lying within the Borough is bounded by Chelsea Embankment which carried extremely heavy traffic, and that as opportunities arise, the Council will implement environmental improvement schemes, to enhance the setting of the Embankment.”*

- 3.4 Policy CD1 states as follows:

“To protect and enhance views and vistas along the riverside including: river views of Chelsea Embankment and the setting of Chelsea Old Church and views from the Thames bridges.”

- 3.5 Paragraph 4.2.10 of the UDP under the heading *Riverside Development* states that the character of the Riverside owes much to the buildings and open spaces which adjoin it. It is stated that the Royal Hospital and its grounds, the Chelsea Physic Garden and the buildings on Cheyne Walk are of particular importance. This paragraph then states that:

“The character changes to the west with the World’s End Estate and industrial buildings on Lots Road. 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. Any new development should enhance the special character of the Riverside. To achieve this objective the Council will, on appropriate sites, encourage developers to provide a mix of uses, including public uses, especially on

the lower floors fronting the river. New development should also provide a safe and interesting environment. Design quality and sensitivity to local context are also important."

3.6 Policy CD6 states as follows:

"To require any development on the riverside to preserve and enhance the waterfront character, protect or improve physical and visual links between the River and the rest of the Borough, and be of a height no greater than the general level of existing building heights to the east of Blantyre Street."

The reasoned justification for Policy CD6 is set out in the UDP at paragraph 4.2.10 as follows:

"The character of the Riverside owes much to the buildings and open spaces which adjoin it. The Royal Hospital and its grounds, the Chelsea Physic Garden and the buildings on Cheyne Walk are of particular importance. The character changes to the west with the World's End Estate and industrial buildings on Lots Road. 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. Any new development should enhance the special character of the Riverside. To achieve this objective the Council will, on appropriate sites encourage developers to provide a mix of uses, including public uses, especially on the lower floors fronting the river. New development should also provide a safe and interesting environment. Design quality and sensitivity to local context are also important. Adequate pre-application consultation should be undertaken and design statements will be required with all applications, the content of which should follow the advice contained in RGP3B/9B."

3.7 Also under the heading *Riverside Development*, at paragraph 4.2.11, it is stated that the Council supports the designation of the Thames Path and will ensure, as the opportunity arises, that this path is provided westward to the Borough boundary (from the east side of Battersea Bridge, including a path beneath that bridge). It is also stated in the same paragraph that *"consideration will also be given to the provision of a bridge over Chelsea Creek to link up with the Riverside Walk at Chelsea Harbour."* Policy CD7 follows which states *"To ensure the provision of a riverside walk within appropriate developments."*

3.8 Policy CD16 states that it is the Council's policy *"to promote opportunities for the appreciation of Kensal Green and Brompton Cemeteries whilst protecting their special character."* Paragraph 4.2.21 of the UDP states that both cemeteries are designated as Metropolitan Open Land and Conservation Areas.

3.9 Under the heading *Gardens of Special Historic Interest*, it is stated at paragraph 4.2.30 that there a number of gardens and open spaces in the Borough which are including in the Register of Parks and Gardens of Special Historic Interest in England compiled by English Heritage. Included within this list is the Brompton Cemetery. In this connection Policy CD25 states:

"To protect Parks and Gardens of Special Historic Interest from development which would have an adverse effect on the site, setting or enjoyment of any part of their grounds and to encourage the maintenance of their historic character."

3.10 Under the heading *Control of Development and Standards of Design*, it is stated at paragraph 4.3.2 that *"the Council is concerned that the quality of architectural design of development in all areas of the Borough should be of a high standard. Development may also provide opportunities for*

environmental benefits such as sitting-out, sports or landscaped areas.” Policy CD27 follows and states:

“To ensure that all development in any part of the Borough is to a high standard of design and is sensitive to and compatible with the scale, height, bulk, materials and character of the surroundings.”

3.11 Under the heading *Urban Design* Policy CD28 states as follows:

“To require development to be physically and visually integrated into its surroundings by:

- a) preserving existing public routes, creating new routes where appropriate, and extending links to maintain a high level of accessibility,*
- b) ensuring that the appearance of buildings form a pattern which reflects the traditional urban form of the Borough, by maintaining and creating new building lines and giving a coherent form to the spaces enclosed by new buildings. Buildings and features should also be designed to emphasise the relative importance of main routes, and of key locations such as important cross-roads, shopping centres, or other public gathering places;*
- c) maintaining a clear distinction between private and public space, and ensuring the provision of active building frontages, particularly at ground floor level in appropriate locations, and the incorporation of doors and windows to provide physical and visual links between buildings and the public domain;*
- d) preserving and creating those aspects of architecture and urban form which contribute to local distinctiveness and character such as plot widths, building lines, roofscape and open space.”*

3.12 Policy CD37, under the heading *High Buildings Views and Vistas* states *“To resist and new high building which would significantly exceed the height of neighbouring buildings and which would harm the skyline.”* It is evident that this policy is to be read as a whole, which means that new high buildings will only be resisted in the context of this policy where they would harm the skyline. Therefore, it falls to be considered in the circumstances of the proposals in this case, whether the proposed tall building on the ‘RBKC Site’ would ‘harm the skyline’.

3.13 Paragraph 4.3.31 of the UDP, which accompanies the above policy, states that in considering proposals against Policy CD37, *“the proximity of high chimneys”* will be taken into account.

3.14 Under the heading *Development in Conservation Areas*, Policy CD63 states as follows:

“To consider the effect of proposals on views identified in the Council’s Conservation Area Proposals Statements, and generally within, into, and out of conservation areas, and the effect of development on sites adjacent to such areas.”

Chapter 5 - Housing

3.15 The general policies of the Housing Chapter of the UDP sets out a number of strategic objectives to include Policy STRAT 16 which is to ensure that the contribution of the Royal Borough to the dwelling stock of Greater London is not diminished and is increased wherever appropriate. Policy STRAT 17

seeks to maximise the residential capacity of the Borough in line with strategic guidance. **Policy STRAT 18** states that the Council will *"encourage an adequate and continuing supply of land for new housing through the development of vacant and under-used land for residential use in appropriate location."* And, **STRAT 19** seeks an increase in the amount and range of sizes and types of dwellings whilst maintaining the overall quality of the residential environment.

- 3.16 At paragraph 5.4.1 of the UDP under the heading *Increasing the Supply of Housing*, it is stated that there are few vacant sites remaining in the Borough and the provision of new housing, other than from conversion schemes will mainly arise from smaller-scale redevelopment proposals. It is pointed out in this paragraph that **Policy STRAT 17** of the UDP seeks to maximise the residential capacity of the Borough in line with RPG3. It is also stated that the council consider it important to ensure that, wherever possible, the development of vacant land and redevelopment of property currently in other uses is for residential purposes, whilst seeking to maintain residential amenity.
- 3.17 **Policy H2** expresses a general presumption to seek the development of land and buildings for residential use.
- 3.18 **Policy H3** encourages the use of property, wherever appropriate, for residential purposes and, in particular, property purpose-built for residential accommodation where presently in another use.
- 3.19 **Policy H7** seeks, where appropriate, the provision of some outdoor space in all new development and, in particular, the provision of open space and play facilities in developments of over ten units.
- 3.20 **Policy H8** requires the provision of appropriate social and community facilities within major residential schemes.
- 3.21 Under the heading *Density*, **Policy H9** requires *"normally to resist residential development designed to a very low density, which is defined at paragraph 5.3.13 of the UDP as less than 175 habitable rooms per hectare (hrha)."*
- 3.22 **Policy H11** states that housing designed to higher densities should be resisted except where it:
- “
- a) *is designed predominantly for occupation by small households; or*
- b) *enables the provision of special needs or affordable housing on appropriate sites, or*
- c) *is an infill scheme where a higher density development is necessary for townscape reasons to comply with the policies of the Conservation and Development chapter."*
- 3.23 **Policy H12** states that housing designs to very high densities (above 350 hrha) should be resisted unless necessary for townscape reasons to comply with the policies of the *Conservation and Development* chapter.
- 3.24 Under the heading *New Development*, **Policy H15** requires *"a substantial proportion of housing to be provided on those sites to which this policy applies as identified in the Schedule of Major Development Sites and shown on the Proposals Map."*

- 3.25 Under the heading *Housing Mix*, **Policy H18** seeks the inclusion of small units (of one or two habitable rooms) and larger units (of three habitable rooms and more) in schemes for residential development. **Policy H19** seeks an appropriate mix of dwellings having regard to the number of factors as identified in the policy.
- 3.26 **Policy H21** welcomes residential or mixed use schemes with a residential element where a range of housing is to be provided including affordable housing and housing for special needs.
- 3.27 Under the heading *Affordable Housing Provision*, **Policy H22** states that the Council will negotiate the provision and retention of a significant proportion of affordable housing on sites suitable for residential use with a capacity of 15 dwellings or more. **Policy H23** requires the *“provision and retention of a significant proportion of affordable housing where indicated in the Schedule of Major Development Sites.”*

Chapter 6 - Offices and Industry

- 3.28 Under the heading *General Policies*, **Policy STRAT 20** seeks to support and maintain the existing diverse and vibrant local economy and to foster sustainable economic growth whilst protecting development inappropriate to residential environment. **Policy STRAT 22** encourages a range of business premises, whilst giving priority to the provision of small business units particularly small light industrial premises.
- 3.29 **Policy E1** seeks to resist large scale business development unless the proposal is either for the replacement of existing business floorspace or does not give rise to environmental or traffic problems or other criteria referred to.
- 3.30 **Policy E11** encourages *“the provision of premises for the start-up and expansion of small businesses, particularly small light industrial businesses, in appropriate locations.”*
- 3.31 **Policy E20** seeks *“to resist the loss of business use in employment zones.”* On Map 6 of page 149 of the UDP, *The ‘RBKC Site’* is shown to be within the *Lots Road Employment Zone*.
- 3.32 **Policy E25** seeks *“to encourage the provision of small, flexible business units in the Employment Zones.”*
- 3.33 **Policy E27** requires *“the provision of business uses in proposals for the development of sites in the Employment Zones.”*

Chapter 8 - Shopping

- 3.34 At paragraph 8.v of the UDP, it is stated that the Borough’s shopping provision comprises of 9 Principal Shopping Centres, to include the King’s Road, complemented by 37 local shopping centres and a large number of undesignated smaller shopping parades and individual shops.
- 3.35 At paragraph 8.1.2 it is stated that the Council has carried out a Retail Capacity Study to consider existing retail provision. It is stated at paragraph 8.1.3 that the Study identified two parts of the Borough where there is a deficiency in local shopping facilities, as follows:

"... in the vicinity of Lots Road Chelsea and the north-west of Notting Hill in the vicinity of Latimer Road Station. The Council will encourage proposals for smaller supermarkets in these locations."

3.36 Under the heading *Further Shopping Provision*, it is stated at paragraph 8.3.21 that *"the Council will co-operate with the private sector in identifying sites for, and encouraging, the provision of local shopping facilities to meet identified deficiencies in south-west Chelsea. ..."*

3.37 Policy S10 of the UDP, which follows paragraph 8.3.21 is stated as *"to encourage provision for convenience shopping in appropriate development schemes"*

3.38 The Policy S11 states as follows:

"To encourage local shopping facilities to meet the day to day needs of residents in south-west Chelsea and north-west of Notting Hill, in the vicinity of Latimer Road station."

Chapter 9 - Social and Community Uses

3.39 Under the heading *General Policies* **Policy STRAT 44** seeks to protect and encourage social and community facilities which are easily accessible to meet the needs of those who live, work and study in the Royal Borough.

3.40 **Policy SC4** seeks *"to encourage the provision of new social and community facilities which meet local needs."*

3.41 **Policy SC6** states that the Council will negotiate planning obligations to provide social and/or community facilities in association with development schemes.

Chapter 11 - Leisure and Recreation

3.42 Under the heading *General Policies*, **Policy STRAT 46** encourages leisure and recreation provision, to include arts, cultural and entertainment facilities in the Royal Borough. **Policy STRAT 47** requires to maintain and increase the provision and quality of open space of local and metropolitan value. **Policy STRAT 48** encourages *"the provision of a continuous Thames Path along the riverside and the maintenance and improvement of access to the River."* **Policy STRAT 49** requires proposals *"to have regard for nature conservation and the protection of the natural habitat and wildlife environment ..."*

3.43 **Policy LR2** encourages the provision of additional sports and recreational facilities.

3.44 **Policy LR13** requires the retention of public rights of way over public and private land, and provides new rights of way where appropriate.

3.45 **Policy LR19** seeks to *"protect the Thames Path and seeks its improvement and completion along the River frontage."*

3.46 **Policy LR26** requires proposals for development to consider the effect on nature conservation.

- 3.47 Policy LR36 states that *“where appropriate to negotiate provision of arts, cultural and entertainment facilities, new works of art or performing arts space in association with the development proposals.*

4.0 PPG4 – INDUSTRIAL AND COMMERCIAL DEVELOPMENT AND SMALL FIRMS (NOVEMBER 1992)

- 4.1 It is stated at paragraph 1 of **PPG4** that one of the Government's key aims is to encourage continued economic development in a way which is compatible with its stated environmental objectives, and the economic growth and a high quality environment have to be pursued together.
- 4.2 At paragraph 13 of **PPG4**, under the heading *Development Control – A Positive Approach*, it is stated that development control should not place unjustifiable obstacles in the way of development, which is necessary to provide homes, investments and jobs, or to meet wider national or international objectives.
- 4.3 Under the heading *Mixed Uses*, the advice is given that many businesses can be carried on in residential areas without causing unacceptable disturbance through increase traffic, noise, pollution or other adverse effects. At paragraph 15 it is stated in areas that are primarily residential, development plan policies should not seek unreasonably to restrict commercial and industrial activities of an appropriate scale – particularly in existing buildings – which would not adversely effect residential amenity.
- 4.4 At paragraph 21, under the heading *Re-Use of Urban Land*, it is stated that optimum use should be made of potential sites and existing premises in inner cities and other urban areas, taking into account such factors as accessibility by public transport, particularly in the case of labour-intensive uses.

5.0 PPG6: TOWN CENTRES AND RETAIL DEVELOPMENTS (JUNE 1996)

5.1 The present version of PPG6 was published in 1996, and has subsequently been clarified by Parliamentary Statements by Richard Caborn in 1999, and most recently by the First Secretary of State in April 2003, known as the McNulty Statement.

5.2 The Government's objectives for town centres are set out at paragraph 1.1 as follows:

- "
- ◆ *sustain and enhance the vitality and viability of town centres;*
 - ◆ *to focus development, especially retail development, in locations where the proximity of business facilitates competition from which all consumers are able to benefit and maximises the opportunity to use means of transport other than the car;*
 - ◆ *to maintain an efficient, competitive and innovative retail sector; and*
 - ◆ *ensure the availability of a wide range of shops, employment, services and facilities to which people have easy access by a choice of means of transport."*

5.3 Paragraph 1.10 advocates the adoption of a sequential approach as follows:

"In drawing up their development plans, local planning authorities should, after considering the need for new development, adopt a sequential approach to selecting sites for new retail development. Both local planning authorities and developers selecting sites for development should be able to demonstrate that all potential town centre options have been thoroughly assessed before less central sites are considered for development for key town centre uses. If, however, there is no need or capacity for further developments, there will be no need to identify additional sites in the town."

5.4 Paragraph 1.11 then provides the following advice:

"Adopting a sequential approach means that first preference should be for town centre sites, where suitable sites or buildings suitable for conversion are available, followed by edge-of-centre sites, district and local centres and only then out-of-centre sites in locations that are accessible by a choice of means of transport."

5.5 The importance of diversity of uses is highlighted at paragraph 2.13 which refers specifically to mixed-use developments and housing. Here it is noted that:

"Local planning authorities should use their development plans to set out policies for mixed-use development in town centres by identifying suitable sites, and issuing planning briefs. A mixture of small businesses, houses or offices in or near town centres...can increase activity and therefore personal safety... Residents and workers stimulate shopping, restaurants and cafés, and other businesses to serve them, and so in turn add to vitality. Local authorities should particularly focus on the opportunities for urban design strategies for large sites in or on the edge of town centres..."

5.6 A ministerial statement by Richard Caborn, the then Planning Minister, on 11 February 1999 provided clarification of Government Policy in relation to the matter of 'need' and in particular to the reference in paragraph 1.10 in PPG6 that local planning authorities in drawing up their development plans should consider the need for new development, and adopt a sequential approach to selecting sites for new retail development. The Caborn Statement indicated that proposals for new retail development which would be located at an edge of centre or out of centre location, and are not in accordance with an up to date development plan strategy, should be required to demonstrate both the need for additional facilities and

that a sequential approach has been applied in selecting the location or the site. Accordingly, the advice is given that local planning authorities should consider the need for further retail facilities and then apply the sequential approach to identifying whether any such development should take place.

- 5.7 In the recent McNulty Statement, the First Secretary of State confirms the guidance previously given in the Caborn Statement that:

“Proposals which would be located at an edge-of-centre or out-of-centre location and which:

- are not in accordance with an up to date development plan strategy; or*
- are in accordance with the development plan but that plan is out of date, is inconsistent with national planning policy guidance, or otherwise fails to establish adequately the need for new retail and leisure development and other development to which PPG6 applies,*
- should be required to demonstrate both a retail need for additional facilities and that a sequential approach has been applied in selecting the location for the site.”*

- 5.8 The Caborn Statement indicates that the demonstration of “need” should not be regarded as being fulfilled simply by showing that there is capacity (in physical terms) or a demand (in terms of available expenditure within the proposal’s catchment area) for the proposed development. It is also indicated that *“whilst the existence of capacity for demand may form part of the demonstration of need, the significance in any particular case of the factors which may show need will be a matter for the decision maker.”*

- 5.9 The McNulty Statement provides additional advice in terms of what can be legitimately regarded as need, in the following terms:

“Some applicants have sought to make a distinction between quantitative and qualitative need for new retail facilities. PPG6 does not make this distinction although evidence on both has frequently been presented at planning inquiries. The First Secretary of State accepts that need can be expressed in quantitative and qualitative terms but considers that evidence presented on need is becoming increasingly and unnecessarily complicated. He therefore places greater weight on quantitative need for new retail provision to be defined in terms of additional floorspace for the types of retail development distinguished in PPG6, which are comparison and convenience shopping. Where both comparison and convenience goods are proposed to be sold within the same development, the First Secretary of State will expect to have evidence on the need for each type of goods.

Regeneration has also been argued to be a component of the need for additional retail floorspace. There is no Government guidance that supports this interpretation. The First Secretary of State considers that the contribution that a proposed development might make to the regeneration of a site or its area could be a material consideration to be taken into account in determining an application, but does not consider it to be an aspect of retail need.

Equally, the net additional employment created by a proposed development is not an indicator of retail need but may be a material consideration.

For the avoidance of doubt, the First Secretary of State does not regard regeneration or employment creation as aspects of retail need for the purposes of the tests set out in PPG6 and the Caborn Statement.

The principles outlined above apply also to leisure uses."

Appendix 2

**Comparison between 2002/03 planning applications and October 2004
amended scheme**

Comparison between 2002/03 Planning Applications and October 2004 Amended Schemes

PLANNING APPLICATION - 2002/3

RBKC Private Units

RBKC	studio	1 bed	2 bed	3 bed	4bed	5 bed	6 bed	Totals
KC1 Private		2	4	32	0	1	1	40
KC2 Private		3	0	6	10			19
KC3 Private		3	121	67	4			195
Total	0	8	125	105	14	1	1	254
Total %	0	3%	49%	41%	6%	0%	0%	
Cumulative %	0.0%	3%	52%	94%	99%	100%	100%	

RBKC Affordable Units

RBKC	studio	1 bed	2 bed	3 bed	4 bed	5 bed	6 bed	Totals
KC2 - RSL Rent		7	13	18	17			55
KC3 - Intermediate	23	16	17	5				61
KC4 - RSL Rent	0	12	28	10	0	0	0	50
Total	23	35	58	33	17	0	0	166
Total %	14%	21%	35%	20%	10%	0%	0%	
Cumulative %	14%	35%	70%	90%	100%	100%	100%	

37%

RBKC Private	254	60.5%
RBKC Affordable	166	39.5%
RBKC Total	420	

APPEAL/CALL IN PLANNING APPLICATION - 2004

RBKC	studio	1 bed	2 bed	3 bed	4bed	5 bed	6 bed	Totals
KC1 Private	0	2	6	32	0	1	1	42
KC2B Private	0	0	8	0	12	0	0	20
KC3 Private	0	37	106	38	12	0	0	193
Total	0	39	120	70	24	1	1	255
Total %	0%	15%	47%	27%	9%	0.4%	0.4%	1
Cumulative %	0.0%	15%	62%	90%	99%	100%	100%	

RBKC	studio	1 bed	2 bed	3 bed	4 bed	5 bed	6 bed	Totals
KC2A - RSL Rent	0	1	31	11	5	0	0	48
KC3 - Intermediate	0	47	20	0	0	0	0	67
KC4 - RSL Rent	0	12	30	8	0	0	0	50
Total	0	60	81	19	5	0	0	165
Total %	0%	36%	49%	12%	3%	0%	0%	-1
Cumulative %	0.0%	36%	85%	97%	100%	100%	100%	

41%

RBKC Private	255	60.7%
RBKC Affordable	165	39.3%
RBKC Total	420	

Comparison between 2002/03 Planning Applications and October 2004 Amended Schemes

PLANNING APPLICATION - 2002/3

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Total	0	60	81	19	5	0	0	165
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41%

RBKC Private	255	60.7%
RBKC Affordable	165	39.3%
RBKC Total	420	

Appendix 4

CABE letter, dated 19 November 2001, to Terry Farrell & Partners

19 November 2001

20 NOV 2001

Sir Terry Farrell
Terry Farrell and Partners
7 Hatton Street
London
NW8 8PL

DR/L13/A

Dear Terry,

**HAMMERSMITH & FULHAM/
KENSINGTON & CHELSEA:**

LOTS ROAD PROJECT

The design review committee of the Commission for Architecture and the Built Environment (CABE) considered this scheme at its meeting on 7 November. The committee is grateful for the trouble which was taken in preparing the presentation material. Having considered the scheme, the committee's views are as follows:-

The committee continues to offer general support and enthusiasm for this scheme and for its central propositions. We think that, in general, the developing scheme is moving in the right direction; there are, however, a number of aspects of it that we think will require further careful thought.

We very much welcome the acquisition of the adjoining two-acre site for inclusion in this scheme. In the context of the other major developments along this part of the river, the public space proposed as a result of this is generous and is to be applauded. However, we think that this space will need to be carefully thought out in relation to the rest of the site if it is to work successfully as an attractive and useful public area. More generally, the urban design strategy for the development will require a clear understanding of the types of space being proposed and how the public, semi-public and private space will be used, managed and will relate to each other if the desired sense of integration is to be achieved.

We think that the proposals for the detailed design of the towers - the cladding of the towers in terracotta, the further articulation of the differences between the two halves of the towers and the insertion of balconies - hold out the prospect of a rich resolution of these elevations. There is a possible danger, however, in an architectural approach to the modelling and the elevations which is poised somewhere between the rigorous and formal on one hand and the varied and informal on the other - it may end up appearing to have tried, but failed, to be rigorously, or informally, composed.

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Although we think that a mainly stainless steel and glass cladding could have been developed successfully, we think that that terracotta has the potential to provide a more attractive alternative, and we would like to see further work proceed on this option.

On the whole, we think the calmer architectural language proposed for the lower level accommodation on the site is likely to form an appropriate setting for the towers. However, in some views of the scheme from the other side of the river, the composition of the towers on either side of the creek creates considerable pressure on the secondary building located immediately behind the smaller of the towers - we have not seen anything to suggest that this has been acknowledged and satisfactorily resolved.

We are pleased that extensive wind studies are being carried out - we hope that this will address any potential for problems which we feel might arise in the area between the towers and along the riverside.

Please keep the committee in touch with the progress of this scheme. If there is any point on which you would like clarification, please telephone me.

Yours sincerely,
Peter Stewart

Peter Stewart
Head of design review

cc

Jim Pool
Philip Davies
Peter Bishop
Steve Davies

Montagu Evnas
English Heritage
Hammersmith & Fulham LBC
Kensington & Chelsea LBC

Appendix 5

CABE letter, dated 8 August 2002, to LBHF

CABE letter

e-mailed to JLP

08 August 2002

Paul Entwistle
The London Borough of Hammersmith and Fulham
Environment Department
Town Hall
King Street
London
W6 9JU

Our Ref: DR/L/20 & 13/532

Dear Mr Entwistle

**HAMMERSMITH & FULHAM / KENSINGTON & CHELSEA: REDEVELOPMENT OF LOTS
POWER STATION**

This scheme was presented to our Design Review Committee in November 2001. A copy of our letter to the architect was sent to your authority as was the letter confirming that this was our formal response. For your convenience I enclose a further copy. We have seen the recently amended version of this scheme, which we understand has been submitted to your authority, and in this context we wish to make the following additional comments.

We continue to offer our strong support to the principles of the scheme. Bringing brownfield land back into use and seeking to reuse the powerstation building in an imaginative manner are to be applauded. So too is the provision of much needed high density housing.

The masterplanning proposals to create open spaces and permeable routes are welcomed. We are encouraged by the careful attention to detail now given to these elements of the scheme and believe that they will make a strong contribution to the open space provision for the occupants of the scheme and the residents in the wider area. Opening up the creek and riverside to the public are major benefits of the scheme.

We are confident that this project constitutes a residential scheme of the highest quality, and is arguably the best such scheme along this part of the river for 20 years.

Yours sincerely

Appendix 6

CABE letter dated 13 December 2002, to Terry Farrell & Partners

13 December 2002

Aidan Potter
Terry Farrell Partnership
7 Hatton Street
London
NW8 8PL

DR/L/20&13/A

Dear Aidan,

**KENSINGTON & CHELSEA/
HAMMERSMITH & FULHAM:**

LOTS ROAD

Thank you for coming to the meeting of CABA's design review committee on the 4 December in connection with this scheme. We are grateful for the trouble that was taken in preparing the presentation material and for the presentation itself. Having considered the scheme in the light of the presentation and the discussion which followed it, the committee's views are as follows:-

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

The changes to the site layout have in our view resulted in a successful sequence of open spaces each with a distinct character. We think that the relative heights and locations of the towers work well. The new D-shaped block, providing accommodation with a clear distinction between fronts and backs, is also welcomed,

Noting that there will be considerable numbers of children living in the housing provided in this project, we would like more thought to be given to the question of how children of all ages will spend their time, and what provision can be made for them - particularly for teenagers, where good solutions are harder to find.

Commission for Architecture
& the Built Environment

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Please keep the committee in touch with the progress of this scheme. If there is any point on which you would like clarification, please telephone me.

Yours sincerely

Peter Stewart

Peter Stewart
Director of design review

cc

Malcolm Kerr
Steve Davies
Paul Entwistle
Philip Davies

Montagu Evans
London Borough of Kensington & Chelsea
London Borough of Hammersmith & Fulham
English Heritage

Appendix 7

**English Heritage letter, dated 27 June 2001, to Montagu Evans
English Heritage News Release dated 27 June 2001**



ENGLISH HERITAGE

LONDON REGION

Jim Pool BSc Dip TP MRTPI
Montagu Evans
Chartered Surveyors
44-48 Dover Street
London
W1S 4AZ

Your Ref: JWP/jb/PD5824

Our Ref: LRS/008100/PS

Direct Dial: 0207-973-3471

Direct Fax: 0207-973-3792

27 June 2001

Your proposals for the redevelopment of the Lots Road Power Station site were considered by our London Advisory Committee on 4 May; and subsequently by our Commissioners at their meeting on 27 June following the publication of the joint English Heritage-CABE *Guidance on Tall Buildings* on 12 June.

Your proposals were assessed in the light of the criteria set out in the Guidance. Of particular importance to English Heritage were the potential impact of your proposed tall buildings on the wider historic environment, and the relationship of the new development to the topography of the area and other tall buildings in the vicinity.

English Heritage warmly welcomes the adaptation and conversion of the Lots Road Power Station to a residential office and mixed use building, and the principle of two towers in this location. With regard to the former Power Station, we would like more of the original fabric to be retained including the 1930s control room, overhead gantries and other internal elements, including the spine wall between the two turbine halls. The building should be fully recorded before any demolition or alterations take place.

In considering the wider development on the site, we believe that the location is appropriate, in principle, for two tall buildings, which we think will enhance river views and the skyline of this part of London. In coming to this conclusion we are mindful of the effect of several other tall buildings on the area including the King's Road towers, Chelsea Harbour, Montevetro and the power station chimneys. The small footprint of the proposed towers results in slender profiles which are both interesting and elegant, particularly the long views from the river, and in dynamic views from the bridges to the east. The landmark location at a major bend in the river and opposite Montevetro are also important considerations. In developing the emerging scheme, we would like to explore further with you the precise impact of the towers on views from surrounding conservation areas and, in particular, on Brompton Cemetery. In addition, as we have discussed, more

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www.english-heritage.org.uk

The National Monuments Record is the public archive of English Heritage



ENGLISH HERITAGE

detailed work is still needed to resolve the public spaces around the site and also on the relationship between the Power Station and the proposed new buildings. We look forward to discussing these aspects with you in due course.

I am copying this letter to Kensington & Chelsea and also Hammersmith & Fulham Borough Councils to whom I understand you are about to make full planning applications.

Yours sincerely,
Nicholas Antram

Nicholas Antram
Assistant Regional Director
Kensington and South London Team

cc: Sir Terry Farrell, Terry Farrell & Partners
Jon Rouse, CBE



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NEWS RELEASE

498/06/01

Wednesday 27 June 2001

ENGLISH HERITAGE DECISIONS ON LOTS ROAD AND LONDON BRIDGE TOWER

For Immediate Release

Two new Tall Building cases – for Lots Road Power Station and London Bridge – have been assessed by English Heritage under the criteria outlined in the consultation paper *Guidance on Tall Buildings*, launched jointly with CABE (Commission for Architecture and the Built Environment) on 12 June 2001. Among the criteria for evaluating tall buildings, the impact on the wider historic environment and the relationship of the new development with the topography of the area and other tall buildings, are of particular importance to English Heritage.

Sir Neil Cossons, Chairman of English Heritage, said:

“Our decision today demonstrates that the English Heritage and CABE *Guidance on Tall Buildings* is working. We have looked at two new schemes in parallel.

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

Conversely, we believe that the London Bridge Tower would have a major detrimental impact on the Tower of London World Heritage site - like a spike through its heart. It would also be wholly inappropriate and unsympathetic to the character of Southwark and two protected strategic views of St Paul's. We feel it should not proceed.”

(MORE)

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English Heritage Commissioners welcomed the Terry Farrell and Partners adaptation and conversion of the Lots Road Power Station as a residential, office and mixed-use building. The scheme at pre-application stage has been given a green light, subject to detailed discussions on the retention of the 1930s control room, overhead gantries and other internal elements as part of the overall scheme. The Power Station provided electricity for over a century to London's underground network and is currently awaiting the outcome of a listing recommendation to the Secretary of State.

In addition to the conversion of the Power Station, two new tall buildings are planned for the site. Dynamic views of the power station from Battersea Bridge, Albert Bridge and Chelsea Bridge and its landmark position on a bend in the river, as well as its relationship to Chelsea Harbour, the World's End Towers and the Montevetro Building were all taken into account. Commissioners believe that the two tall towers of differing heights will complement the 85 metre chimneys of the Power Stations and its surroundings, and provide a dramatic new focal point that will enhance river views. More detailed work is also recommended for the public space around the site and the relationship between the Power Station and the proposed new buildings.

A second tall building, London Bridge Tower, which at 306 metres would be the tallest building in Europe, by the Renzo Piano Building Workshop was also considered. Commissioners took the view that while the building is potentially of the highest quality, the proposed tower in this location would detract severely from the setting of the Tower of London World Heritage site, the character of Southwark and two protected strategic views of St Paul's - from Kenwood and Parliament Hill Fields.

In this case, English Heritage also shares CABE's site-specific concerns that the scheme fails to provide a comprehensive masterplan for the integration of the new building with the wider re-development of London Bridge Station and the Borough Market area. *Guidance Notes for Tall Buildings* emphasises that the relationship to transport infrastructure, and particularly public transport provision, must be taken into account. A building of the size of London Bridge Tower would put considerable additional stress on the already overloaded capacity of the transport infrastructure. English Heritage believes that this is the wrong location for the tallest building in Europe.

(MORE)

As the scheme raises major strategic issues of more than local importance and is also contrary to Southwark Council's Unitary Development Plan, English Heritage believes that a wider public debate is essential and that the scheme should be called in by the Secretary of State for Transport, Local Government and the Regions for his decision to enable all of the issues to be considered thoroughly. In the event of a public enquiry English Heritage staff will attend and give evidence.

[Ends]

Notes for Editors

- Full copies of **Guidance on Tall Buildings** are available at www.cabe.org.uk or www.english-heritage.org.uk or from English Heritage Customer Services on 01793 414910.

For further press information please contact:

Sophie Jepson, English Heritage, tel. 020 7973 3294 or fax. 020 7973 3294 or e-mail: sophie.jepson@english-heritage.org.uk.

Appendix 8

English Heritage letter, dated 12 August 2002, to LBHF



ENGLISH HERITAGE

Paul Entwistle
Environment Department
The London Borough of Hammersmith & Fulham
The Town Hall
King Street
London W6 9JU

Your Ref: 2002/1526Pp;1528/P
Our ref: LRS 8100/PS/PT3
Direct Dial: 020 7973 3772
Direct Fax: 020 7973-3792

Date: 12 August, 2002

For the attention of P.Entwistle

Dear Sir

LAND AT THAMES AVENUE S.W 6 AND LOTS ROAD POWER STATION, LOTS ROAD, LONDON S.W.10

Thank you for notifying English Heritage of the applications for planning permission and also of the environmental impact assessment on this site. I have also received extensive documentation, including the environmental statement, direct from the agent Montagu Evans.

These applications, from Circadian Ltd and to the design of Terry Farrell and Partners, replace those rejected by your authority last year. The London Advisory Committee of English Heritage had considered that scheme in May 2001 and as you know English Heritage supported the scheme. This fresh application was referred to LAC on 31 July. The reservations that we had regarding the height of the two towers, and their impact upon views from within Brompton Cemetery, have been, as it were, answered by the reduction of the larger tower from 38 to 29 or 30 storeys. There has also been significant work on reducing the bulk of the north and south elevations particularly when seen from within the Lots Road area.

We remain therefore in support of the developing proposals by Terry Farrell Partnership and, even though the DCMS have decided not to list the power station, we would wish to comment further on the works affecting its fabric, and on the 'public realm' relationship of the towers to the sites on which they would sit.

Our assessment of this scheme is based largely on the criteria proposed in the English Heritage/CABE *Guidance on Tall Buildings* (12 June 2001) and we have concluded that the two towers would have little or no adverse impact on listed buildings, conservation areas or other heritage designations. We have also had regard to the RPG 3B/9B *Strategic Planning guidance for the river Thames* (1997). We have specifically noted the arguments put in forward in Chapter 8 and 11 of the Environmental Statement May 2002, (Appendix A1 and A2) while my colleagues in GLASS will be responding to those in

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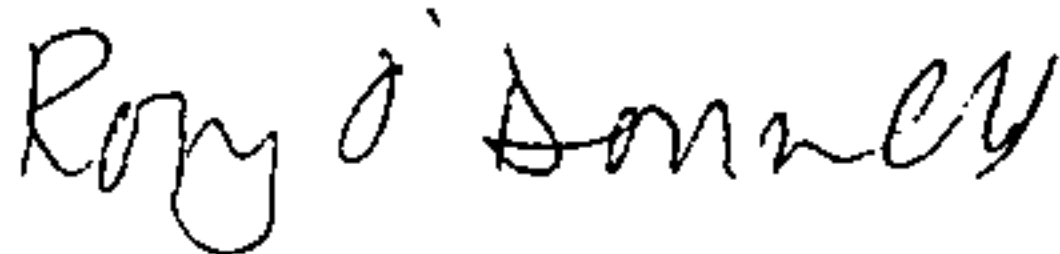
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Chapter 12 (appendix D). We note that there are many issues addressed in the environmental impact assessment on which your authority will be taking a view, English Heritage does not wish to comment on those further aspects; we have confined ourselves to the heritage aspects. I am copying this letter to the Planning and Conservation Department of Kensington and Chelsea Borough Council (their reference PP/02/1324 and PP/02/1325/JT) and to Montagu Evans.

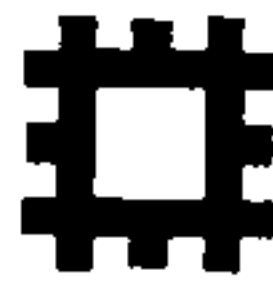
Yours sincerely



Dr R McD O'Donnell, FSA
Inspector of Historic Buildings
Kensington & South London Team

Appendix 9

English Heritage letter, dated 19 March 2003, to RBKC



ENGLISH HERITAGE

LONDON REGION

The Head of Development Control
Hammersmith and Fulham Borough
Environment Department
The Town Hall
King Street
London W6 9JU

Your Ref: 2002/03132/FUL
Our ref: LRS 8100/PS/PT3
Direct Dial: 020 7973 3772
Direct Fax: 020 7973-3792

Date: 19 March 2003

For the attention of Paul Entwistle

Dear Sir

LOTS ROAD POWER STATION, LOTS ROAD, LONDON S.W.10

Thank you for your letter of 2 January 2003 notifying English Heritage of the application for planning permission. I have received extensive documentation, including the Environmental Statement, direct from the agent Montagu Evans, (their letter 18 December 2002).

These applications, from Circadian Ltd and to the design of Terry Farrell and Partners, replace those rejected by your authority twice last year. English Heritage first considered the scheme in May 2001 and as you know supported it. The reservations that we then had regarding the height of the two towers, and their impact upon views from within Brompton Cemetery were, answered by the reduction of the larger tower from 38 to 29 or 30 storeys. This third scheme reduces the tower proposed in Kensington & Chelsea from 30 to 25 storeys, while increasing that in Hammersmith & Fulham from 25 to 37; although this alters the relationship between the towers, and in relation to views from the Cemetery, we did not consider that heritage interests were materially affected.

We therefore remain in support of the proposals by Terry Farrell Partnership. Even though the DCMS have decided not to list the power station, we wish to comment on the works affecting its fabric. The publication of Environmental Statement Appendix C2, Standing Building assessment draws attention to importance of the remains steel-skeleton frame in the Turbine or Engine and Boiler rooms which the current scheme strips out; it also removes totally the dividing wall between the two. We hope to see the retention of sufficient elements of both so as to make the presentation of the history of the building the clearer. We may also wish to comment in the future on the 'public realm' relationship of the towers to the sites on which they would sit.

Our assessment of this scheme is based largely on the criteria proposed in the English Heritage/CABE *Guidance on Tall Buildings* (12 June 2001) and we have concluded that

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the two towers would have little or no adverse impact on listed buildings, conservation areas or other heritage designations. We have also had regard to the RPG 3B/9B *Strategic Planning guidance for the river Thames* (1997). We have specifically noted the arguments put in forward in Appendices A2, C1 and C2 and in Chapter 8 and 11 of the Environmental Statement December 2002, while my colleagues in GLASS are responding to those in Chapter 12 (Archaeology). We note that there are many issues addressed in the Environmental Impact Assessment and its appendices on which your authority will be taking a view, English Heritage does not wish to comment on those further aspects; we have confined ourselves to the aspects cited above. I am copying this letter to the Royal Borough of Kensington and Chelsea (their reference PP/02/1324 and PP/02/1325/JT) and to Montagu Evans.

Please note our new postcode 'London W1X 2ET'

Yours sincerely

Rory O'Donnell

Dr R McD O'Donnell, FSA
Inspector of Historic Buildings
Kensington & South London Team

Appendix 10

Report from David Parker of Pioneer Property Services Limited

CONTENTS

BIOGRAPHICAL DETAILS

1. INTRODUCTION
2. THE AFFORDABLE HOUSE TYPES REQUIRED
3. SUMMARY AND CONCLUSIONS

BIOGRAPHICAL DETAILS

I am David Parker, Director of Pioneer Property Services Ltd, a company that provides a specialist consultancy service in respect of the provision of affordable housing.

I have a Bachelor of Arts Honours degree in Housing from Bristol Polytechnic, a post-graduate diploma in Management Studies from Liverpool Polytechnic, a Masters degree in Construction Management from the University of Bath and was elected a Fellow of the Chartered Institute of Housing in 1993.

I have 20 years experience in the provision of affordable housing and residential development having worked for local authorities, housing associations, construction companies and national house builders. At the outset I managed affordable housing for local authorities and housing associations in London and Liverpool before switching to project management and development in the South West, working for both a local authority and housing association. In the private sector I was Regional Manager for a national construction firm that specialised in providing affordable housing in partnership with public bodies, and I then moved to a national house builder where I was responsible for affordable housing negotiations. I established Pioneer in 1999 and now manage a team of consultants who work throughout England and Wales undertaking negotiations, and giving advice, in respect of the provision of affordable housing.

I therefore have wide knowledge and experience of the provision and management of affordable housing and now specialise in providing advice on affordable housing particularly in relation to 'planning and affordable housing' matters, the implementation of planning conditions/obligations and analysis of Housing Needs Surveys.

I have appeared at numerous round table debates and inquiries relating to affordable housing issues and have recently submitted evidence in respect of large residential schemes including those proposed for the West of Stevenage site in Hertfordshire, the Vauxhall Tower in Lambeth, Filton Airfield in South Gloucestershire and the Waterlooville MDA in Hampshire.

1. INTRODUCTION

- 1.1 Circadian Ltd are promoting the residential development of a large site that straddles the boundary between the administrative areas of the London Borough of Hammersmith & Fulham ("LBHF") and the Royal Borough of Kensington & Chelsea ("RBKC"). Part of the site benefits from an extant planning consent described in the proof of Mr Simmonds. This existing consent represents the fall-back position of Circadian Ltd and if implemented the only affordable housing types to be provided will be 52 flats to be provided as sheltered accommodation.

This report is submitted as an appendix to the proof of evidence of Mr Simmonds.

- 1.2 I briefly examine the changes to the types proposed in the 2004 scheme to that considered by the two local planning authorities in 2002/03 and Section 2 provides a general overview of the 'affordable housing' house types that are to be provided by the proposed development and compares them to the house types required as described in:-

- (i) LBHF Housing Needs Survey Final Report March 1999 ("HNS 1999");
- (ii) LBHF Housing Needs Survey Update February 2001 ("Update 2001");
- (iii) RBKC Housing Strategy 2003 – 2008 ("HS 03-08")

- 1.3 In Section 3 I set out my conclusions based upon these documents.

2. THE AFFORDABLE HOUSE TYPES REQUIRED

- 2.1 Every local authority is required to submit annual statistics to the Office of the Deputy Prime Minister and these Housing Investment Programme ("HIP") figures confirm that in 2002 and 2003 some 84.6% of households on the Housing Register maintained by RKBC required 'up to 2 bedroom accommodation' whereas the proportion in LBHF was 89%.
- 2.2 The proof of evidence submitted by Mr Simmonds describes how and why the mix of affordable housing has been amended since the proposals considered in 2002-03 and these changes are summarised in the following two tables:-

2002/2003 Application	October 2004 scheme
23 x studio	0 x studio
35 x 1 bedroom	60 x 1 bedroom
58 x 2 bedroom	81 x 2 bedroom
33 x 3 bedroom	19 x 3 bedroom
17 x 4 bedroom	5 x 4 bedroom
TOTAL 166 units	TOTAL 165 units
TOTAL 341 bedrooms	TOTAL 299 bedrooms

Table 1: Affordable house types in RBKC

2002/2003 Application	October 2004 scheme
1 x studio	1 x studio
69 x 1 bedroom	66 x 1 bedroom
79 x 2 bedroom	81 x 2 bedroom
49 x 3 bedroom	47 x 3 bedroom
12 x 4 bedroom	14 x 4 bedroom
4 x 5 bedroom	4 x 5 bedroom
TOTAL 214 units	TOTAL 213 units
TOTAL 443 bedrooms	TOTAL 446 bedrooms

Table 2: Affordable house types in LBHF

It can be noted from these tables that whereas the proportion of studio, 1 bedroom and 2 bedroom dwellings (i.e. accommodation that would fulfil the

need for 'up to two bedrooms') in the 2002/03 proposal was 69.74% in 2002/03 it has increased to 76.45% in the 2004 scheme.

- 2.3 In broad terms it is therefore evident that the mix of affordable house types in the 2004 scheme matches the predominant relevant housing need in the two boroughs, namely the need for small dwellings and that this emphasis has been enhanced since the 2002/03 proposal.
- 2.4 It should also be noted that the number of studios proposed has been reduced in the 2004 scheme so that, whereas the HS 03-08 (Table 1, page 5) suggests that some 51% of households on the Housing Register in RBKC require only 'bedsit' accommodation, the proposed development will provide self-contained dwellings with separate bedrooms.
- 2.5 In LBHF the percentage proportion of affordable small dwellings (i.e. up to two bedrooms) to be provided on the development has decreased to a negligible degree from 69.63% to 69.48% although the number and proportion of dwellings with two bedrooms (rather than one) has increased.
- 2.6 The proportion of small affordable dwellings to be provided by the 2004 scheme is higher in RBKC, at 85.45%, than the 69.48% in LBHF and this is pronouncedly different to the respective figures of 69.85 and 69.63% in the 2002/03 application. I have noted above that HIP statistics indicate the predominantly strong need is for small affordable dwellings.

However there would appear to be an inconsistency between the HIP information for LBHF and the statistics found in both the HNS 1999 and Update 2001 in LBHF.

- 2.7 In contrast to the 89% of households on the Housing Register in both 2002 and 2003 indicating they require 'up to 2 bedrooms' the HNS 1999 (CD 230) suggests that only 57.3% of households in need require 1 or 2 bedrooms (Figure 13.5, page 108). Similarly, the Update 2001 (CD 231) suggests that only 49% of households in need and needing to move require 1 or 2 bedrooms (Table A3.1, page 47).

- 2.8 It would appear therefore that there is a more pronounced need for family accommodation in LBHF than is suggested by the Housing Register.
- 2.9 The proposed mix of affordable dwellings in the development will be broadly 24% family accommodation (i.e. 3 bedrooms or more) although the proportion in LBHF is considerably higher, at about 31%, than the 15% in RBKC and this emphasis accords with the evidence. (The percentages stated in this paragraph have been rounded up from 23.5%, 30.5% and 14.5%, respectively.)

3. SUMMARY AND CONCLUSIONS

- 3.1 The mix of on-site affordable housing should be primarily determined by housing needs. However, this must necessarily be tempered by the proposed nature of the development and the circumstances in which it is put forward.
- 3.2 The emphasis in the broad mix of affordable housing types to be provided correctly responds to the need for small dwellings. However, the specific mix in each borough responds to the differing degree of need for family accommodation.
- 3.3 It is inevitable that any proposed mix of affordable dwelling types must be balanced between responding to the needs highlighted by the individual boroughs whilst at the same time recognising the constraints of, and the background to, the development.
- 3.4 Whereas the mix of dwelling types was broadly the same in each authority area in the 2002/03 proposals emphasis has been given in the 2004 scheme to providing a greater proportion of small dwellings in RBKC. This is in accordance with the predominant demonstrated housing need and I therefore conclude the proposed mix of affordable dwelling types is appropriate for this development and represents a substantial planning benefit of the proposals before the First Secretary of State.

5th January, 2005

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