

COMMITTEE REPORT

Please Index As

TP/98/2126.

File Number

Committee Report

Part 1

Part 2

Part 3

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

PLANNING SERVICES COMMITTEE **APP NO. TP/98/2126/D/12**
08/06/1999 AGENDA ITEM NO. 2074

ADDRESS

**FORMER
 THAMES
 WATER
 RESERVOIR &
 WATER
 TOWER
 HOUSE, 97
 CAMPDEN
 HILL ROAD,
 KENSINGTON,
 W.8**

APPLICATION DATED **04/11/1998**

APPLICATION COMPLETE **13/11/1998**

APPLICATION REVISED **22/03/1999**

APPLICANT/AGENT ADDRESS:

Sellwood Planning
 Highgate House,
 Bangers Green,
 Takeley
 Bishop Stortford, Herts.
 CM22 6PE

CONSERVATION AREA Kensington **CAPS** Yes

ARTICLE '4' No **WARD** Campden

LISTED BUILDING NO

HBMC DIRECTION N/A

CONSULTED 515 **OBJECTIONS** 384

SUPPORT 62 **PETITION** 0

Applicant St. James Homes Limited

PROPOSAL:

Redevelopment to provide nineteen houses and forty-eight apartments plus twelve tennis courts (six in lower level and six open courts) plus a practice court, basement car parking, new access points for pedestrians and vehicles and landscaping.

RBK&C Drawing No(s): TP/98/2126 and TP/98/2126/A

P099, P100A, P101A, P102A, P103A, P104A, P105A, P106A, P107A, P108A, P109A,
P110A, P111A, P112A, P113A, 8809 sheet 3, 4, 5, 9029 sheet 3, 4, 9132 sheet 1, 3, 4, 5, 6,

RECOMMENDED DECISION:

Refuse planning permission

REASONS FOR REFUSAL

1. The proposed redevelopment would result in the loss of a significant amount of the existing open space on this site, reducing the value of this site as a visual amenity to be enjoyed by residents of nearby property, and harming the character and appearance of this part of the Kensington Conservation Area. As such, the proposal is contrary to policies of the Unitary Development Plan, in particular STRAT 1, STRAT 35, and Policies CD21, CD48, and CD52.
2. The bulk and layout of the proposed development, in particular the bulk of development and the restricted dimensions of the central open space, would result in a densely developed site that relates poorly to the character scale or form of its surroundings. It is considered that the proposed development would result in harm to the character and appearance of this part of the Conservation Area, contrary to Policies of the Unitary Development Plan, in particular STRAT 5, STRAT 6, and Policies CD25, CD52, CD53, and H11
3. Given that the existing site provides a valuable contribution to the character and appearance and residential amenity of this part of the Conservation Area, and in the absence of an acceptable scheme for the future development of the site, it is concluded that the proposed demolition of the reservoirs is premature, and contrary to Policy CD51 of the Unitary Development Plan
4. The proposed southern terrace of new houses would appear dominant and overbearing in its relationship with Thorpe Lodge, and the development along Aubrey Walk would significantly affect the setting of St. George's Church, harming the setting of these Listed buildings contrary to Policy CD61 of the Unitary Development Plan.
5. The existing site generates a relatively low intensity of vehicular and pedestrian activity through the year, busiest in the summer but relatively quiet in the winter months. The proposed development will generate greater levels of such activity throughout the year, with the largest difference being in the presently quieter winter months. As such, the proposed development will lead to a significant reduction in the levels of amenity presently enjoyed by those who reside near the site, contrary to Policies of the Unitary Development Plan, in particular STRAT 1, and Policy CD52.
6. The use of pedestrian and vehicular gates at the entrances to the site would restrict access to the development, separating the site from the surrounding area, contributing little to the amenity of the area, and being out of character with the predominant form of development locally where residential streets are generally accessible to all and at all times. As such, the proposed gated community is contrary to Policies of the Unitary Development Plan, in particular STRAT 1, STRAT 5, and CD52.
7. The site is considered suitable for the inclusion of affordable housing, which has not been secured by an appropriate planning obligation as part of the proposed development. As such, the proposals are not considered likely to achieve the provision of affordable housing on this site, and would be contrary to Policies of the Unitary Development Plan, in particular H22 and the proposed draft alterations to this Policy, and fail to respect the advice presented in Circular 6/98.

1.0 SITE/PREMISES

- 1.1 This site currently contains two, disused, brick built, covered Victorian reservoirs, with 12 tennis courts and a children's practice court on their roof, with the structures themselves being partly above ground level and partly below. The reservoirs cover approximately three quarters of the site area, and are partly above ground and partly recessed with the top of their ground slab at a height of 34.6m from sea level and their roof at a height of 42.5m. The height of the reservoir buildings is such that their upper deck level (the level of the tennis courts) is higher than surrounding street levels, with embankments along all sides including Aubrey Walk to the North. The embankment restricts many views into the site from street level.
- 1.2 The site also includes a block of 15 residential flats for water authority staff ("Water Tower House"), a smaller block on Aubrey Walk (nos.3,5 and 7) containing three water authority flats, a pump room building (being the former engine house), and ancillary buildings of 625 sq.m, water authority offices of 702 sq.m, and trees and other vegetation particularly around its perimeter. The water tower from which the block obtains its name was an Italianate tower demolished in 1970.
- 1.3 The greater site covers an area of 1.56 hectares, located to the West of Campden Hill Road. The site is bounded by the Aubrey Walk and Aubrey House to the North and West, Campden Hill Road and the flats of Kensington Heights to the East, and Holland Park School to the South.
- 1.4 Approximately 12,640 sq.m of the existing site counts as open space (approximately 81% of the site area) comprising tennis courts above the reservoirs, access roads and ancillary open space. The site is recorded in the Council's Open Space Survey of 1992.
- 1.5 The tennis courts and an adjacent building on the Aubrey Walk frontage are operated by the Camden Hill Lawn Tennis club. This club has been in existence at this location for some 115 years, and has a total of 1254 members drawn from the local area and other parts of west London.
- 1.6 The primary vehicular access to the site is currently from Aubrey Walk, at a point opposite Hillsleigh Road. Only water authority vehicles or other authorised vehicles may use this access. At the rear of Water Tower House, again from Aubrey Walk, is a vehicular access point for the cars of residents of Water Tower House, plus water authority vehicles. There is a third vehicular access further west along Aubrey Walk which serves a small car parking area for some 6 vehicles. A fourth vehicular access to the site exists in physical form on its eastern side, directly from Campden Hill Road; however, this is used solely by the residents of Kensington Heights and the water authority and other owners of the application site do not have the right of access/egress to the site via this route.
- 1.7 No building upon the site is Listed, however, there are Listed buildings close by to the North (St. George's Church, and nos 2 to 6 and 15-19 Aubrey Walk), to the West (Aubrey House), and to the South (Thorpe Lodge). The whole of the site is within the Kensington Conservation Area.
- 1.8 The Unitary Development Plan Proposals Map does not identify the site as having any nature conservation importance.
- 1.9 The site is not included in the Unitary Development Plan Schedule of Sites with Major Development Opportunities, and there is no planning brief for this site. However, under the

proposed draft alterations to the Unitary Development Plan the site is proposed to be included within the Schedule as suitable for "Residential including affordable housing, tennis courts, and open space". It should be noted that the Schedule does not prescribe the proportions of any of these uses to one another; suitable proportions are left for negotiation as part of a development proposal.

2.0 DETAILS OF PROPOSAL

- 2.1 It is proposed to redevelop the site to provide 19 houses, 48 flats, a tennis club with 13 courts, underground parking for the houses and flats, and ancillary landscaped areas. These details apply to the revised version of the original planning application for the site, ref. TP/98/2126, and the new planning application ref. PP/99/0733. In addition, this report is in respect of the accompanying Conservation Area Consent applications Refs: TP/98/2127 and TP/98/2129.

The Demolition

- 2.2 It is proposed to demolish all of the existing buildings and structures on the site, with the exception of the West retaining wall to the western reservoir, facing Aubrey House, and part of the northern retaining wall to that reservoir. The remainder of the reservoir structures, pump house and ancillary office and depot buildings, and Water Tower House, would be demolished, and large sections of embankment would also be removed from the northern (Aubrey Walk) boundary and the southern boundary.

General Arrangement and Orientation

- 2.3 It is proposed that the 19 houses are arranged around a central space containing soft landscaping and trees at its centre. The flats are contained within two blocks, one fronting Aubrey Walk (the "Aubrey Walk block" for the purposes of this report), and the other fronting Campden Hill Road on the site of the present Water Tower House (the "Campden Hill block").
- 2.4 The built coverage of the site would leave approximately 8,937 sq.m of the developable area of the site (but excluding private residential gardens) as open space, either soft or hard landscaped. As such, the proposal would result in a reduction of approximately 30% of the existing open space on this site.

Housing Mix

- 2.5 The 19 houses would all be four bedroomed family sized houses, each with its own garden.
- 2.6 Twenty-nine flats are proposed for the Campden Hill Road block, and seventeen for the Aubrey Walk block. Two more flats are located at the northern end of the West terrace to the proposed square. The 48 flats proposed comprise the following mix:

2 bedroom flats	34
3 bedroom flats	14
	<hr/>
	48

- 2.7 Of this total, the following range of units comprise the "affordable housing" element:

2 bedroom flats	9
3 bedroom flats	8
	<hr/>
	17

- 2.8 All of the units of affordable housing are located in the Aubrey Walk block.

Density

- 2.9 The proposed houses and flats would comprise 366 habitable rooms on the site, resulting in a density of approximately 220 habitable rooms per hectare (hrh). However, this figure does not reflect the true nature of the proposed development, where the residential houses and flats only cover one half of the site. For the purposes of density the site is more appropriately taken as two sites, with the tennis court part of the site treated as separated from the housing part of the site. The true residential density is thus much greater, at approximately 327 hrh.

Recreational facilities

- 2.10 It is proposed that 13 tennis courts are provided to replace the existing courts. Six of the new courts, and a practice court, will be open to the elements, and six courts enclosed in a covered structure, effectively within the space of the existing western reservoir. The upper level of the courts would be the same as the existing, and the area occupied by the courts would be roughly half that of the court area presently existing on the reservoir roof.
- 2.11 The six upper level (outdoor) courts are each to be of championship standard, four of them floodlit.

Means of Vehicular and Pedestrian Access

- 2.12 An underground car park at basement level will provide 92 parking spaces, including 12 disabled spaces. This provides 2 spaces for each house, and one for each flat. 9 visitor spaces are proposed.
- 2.13 Access to the underground car park is provided through an on-site access road and ramp, with the point of access/egress being 30m into Aubrey Walk from its junction with Campden Hill Road, in approximately the same location as the existing access/egress to the parking area at the rear of Water Tower House. The existing vehicular access opposite Hillsleigh Road and the access to the small parking area would be removed, and the access/egress to/from Campden Hill Road would not be used as part of the proposed development, but would remain for the use of Kensington Heights.

Form and Scale

- 2.14 The Campden Hill block is proposed to be part six storey, part five storey. The proposed roof form is a flat roof, stepping back on the sides above the third floor. It is proposed that the height of this block is at its greatest closest to Kensington Heights, being six storeys at that section, with some setting back of the top two storeys from the North (Aubrey Walk) elevation so as to present a three storey main elevation Aubrey Walk. The main parapet height to Campden Hill Road would run at 14.2m above the pavement level of Aubrey Walk. The highest part of the roof would be 20.8m above Aubrey Walk pavement level.
- 2.15 The Aubrey Walk block is proposed to be of three storeys with a pitched roof. The roof would have a maximum height of 12.2m from Aubrey Walk pavement level at its apex, with the main parapet running at a height of 10.2m.
- 2.16 The main terraces of the square would be of a basement, ground floor, and three upper floors including an attic storey. They would be four storeys from the new deck level, the deck level constructed over a basement parking area which would be constructed at the level of the existing reservoir slab. The roof form would be a traditional mansard, with chimneys on the party walls separating the properties. The main parapet of these houses would run at 11.6m

above the finished level of the square, and the apex of the mansard roof would reach a height of 14.2m from the square.

Datum

- 2.17 The site datum has been fixed at a height of 30m above sea level. The new basement level would be at 34.75m, or 4.75m above datum (just slightly above the existing reservoir base slab). The Aubrey Walk block would reach to 52.19m, or 22.19m from datum. The highest section of the Campden Hill block would reach to 54.65m, 24.65m from datum. The southern terrace would reach a height of 24.92m from datum, those of the other square terraces reaching to 23.81 from datum.

Detailed Design

- 2.18 In terms of architecture, the proposed development comprises three different design approaches, with the Campden Hill block, Aubrey Walk block, and the square of houses all taking different forms.
- 2.19 The applicants were advised that, in design terms, slightly greater freedom could be accorded to the Campden Hill block than in the rest of the development. Clearly, to comply with the relevant Unitary Development Plan Policies and the CAPS, the chosen architecture for this corner block would need to reflect its prominent location on Campden Hill, address the problem of “turning” the corner, and provide a positive contribution to the character and appearance of the Conservation Area when compared with the existing flats. Notwithstanding this, the existence of several nearby buildings of relatively modern architecture enabled slightly more design flexibility here, as long as the design would be of appropriate quality.
- 2.20 The design of the Campden Hill block is distinct from the other parts of the proposed development, being modern in character. The facades feature strong vertical alignment of windows, bays and balconies which are well articulated across the facades with setbacks and forwards from the main building line. Window frames and subdivisions within the glazing emphasise the domestic character of the building. The top storeys on each wing feature almost continuous glazing with balconies in front. Together with flat roofs edged with stone cornices, these aim to terminate the elevations and create a distinct landmark feature. Materials are indicative at this stage consisting primarily of brick facades, timber window frames, stone dressings and stone string courses and cornices.
- 2.21 The Aubrey Walk block has been given the appearance of a short terrace of houses despite the fact that it contains flats. Traditional design elements have been employed in the Aubrey Walk facade to create a rhythm typical of terraced houses. Narrow facades with vertical subdivisions between premises, party walls and chimneys establish the rhythm of the terrace. This is accentuated by slight set backs from the building line and the inclusion of separate street entrances for ground floor flats and clear boundaries to neighbouring front gardens. The facades have the appearance of three storey houses and employ a traditional vocabulary of design details in the elevations. Ground floor windows are emphasised by greater window depth or by bay windows, entrances are emphasised with porticoes and the pitched roofs are set behind a low parapet. The west end of the block is set back from the Aubrey Road frontage to respect the proximity of three mature trees.
- 2.22 The terrace houses, set in three terraces around the central space, also employ traditional design elements although their scale is more imposing than the block on Aubrey Walk. Again, a strong rhythm of individual facades is established with external features expressed to stress the sub-divisions between adjoining houses. Generous floor to ceiling heights and wide plot widths give the houses a grander appearance than the Aubrey Walk block and this effect is assisted by taller entrance porticoes and tall windows in bays reaching from ground

to first floor on the majority of the houses, and tall mansard roofs. The end of terrace houses on the south terrace are extended forwards with two storey reception halls which terminate lateral views out of the south end of the square. The north end of the western terrace turns the corner into Aubrey Walk stepping down through three to two storeys, a mansard roof aids the transition in height from four to two storeys and terminates on flat roofed buildings fronting onto Aubrey Walk. The terraces are laid out around a formal space laid out in two sections. The northern boundary runs close to the edge of Aubrey Walk, with iron railings set onto a low wall.

- 2.23 The tennis court building incorporates the existing large brick retaining walls to the North and West, introducing a glazed wall on the southern elevation to utilise natural light. Internally, the brick retaining walls would be exposed to provide a reminder of the original use and buildings upon the site.

Landscaping

- 2.24 The main landscaped area is proposed to be at the centre of the site, running South from Aubrey Walk in the form of an rectangular "square", bounded on three sides by residential terraces.
- 2.25 This square would be of over 78m in length and 22.5m in width at its widest, containing up to 12 new trees and shrubs and other planting, and separated from the surface access road by metal railings, in the manner of a small garden square.
- 2.26 Other landscaped areas front Aubrey Walk, face Thorpe Lodge at the southern boundary, front Campden Hill Road in front of the proposed Campden Hill block, and form a strip along the boundary with Kensington Heights. The existing planted embankment to Aubrey House, which runs the full length of the western site boundary outside the western reservoir retaining wall, would remain untouched.

The Thames Water shaft

- 2.27 The site contains the shaft to the new underground water tunnel currently under construction to relieve the risk of local flooding. This new main is being constructed from the junction of the M41 and Holland Park Avenue to Holland Park Road, and the access shaft of 7m diameter is located approximately 23m into the site from Aubrey Walk (having previously been proposed much closer to Aubrey Walk). There has been much controversy over the siting of this shaft and tunnel, and the method and timing of their construction; however, the shaft and tunnel have been constructed under the rights of the water authority as a statutory undertaker, and the shaft and tunnel are only peripheral to the consideration of this planning application. Therefore, only passing reference to them is mentioned in this report.

3.0 RELEVANT PLANNING HISTORY

- 3.1 There is no relevant planning history to this site.
- 3.2 In terms of more general history, use of the site to provide a water utility commenced in around 1810 as part of the original West Middlesex Water Works. The first reservoir was constructed in 1845 on the land now occupied by Kensington Heights and Water Tower House; this reservoir was demolished in the 1960s, and the Water Tower demolished in 1970 leaving the present truncated building. The existing reservoirs and remaining attendant buildings were built in the late C19th.

4.0 PLANNING CONSIDERATIONS

- 4.1 The principle of the demolition of the existing buildings upon the site must first be considered. The principle of using the site to provide housing, including affordable housing, and new/replacement recreational facilities, must then be considered. The proposed development must then be assessed as to its general arrangement and form, including open space, and compatibility with the scale, and detail, of surrounding development. Further considerations are impact upon traffic and parking locally, impact upon the setting of nearby Listed buildings, effect upon existing trees, daylight and sunlight and general impact upon amenity. The whole proposal must be assessed to ensure that it leaves the character, or appearance, of the Conservation Area unharmed.
- 4.2 The relevant policies are contained within the "Conservation and Design", "Housing", and "Transportation" chapters of the Unitary Development Plan (Unitary Development Plan). Other guidance, such as the supplementary guidance presented in the Conservation Area Proposals Statement, and government guidance in the form of PPG15 and RPG3, are referred to as appropriate.

Archaeology

- 4.3 The applicants have submitted an Archaeological Assessment of the site, which was prepared with the aid of boreholes drilled on site.
- 4.4 The site does not contain any entries in the Greater London Sites and Monuments Record. The study comments that there are few sites or finds recorded in the surrounding area, and although, the site occupies part of a summit of a low hill, it is not a sufficiently distinct topographic location to have been preferentially occupied in earlier times. Importantly, the study points out that the deep excavation required for the construction of the reservoirs and associated buildings must have truncated the archaeologically important levels. The study concludes that the site does not have archaeological potential and that there is no further need to consider archaeology on the site.

Principle of demolishing the existing Reservoirs and ancillary buildings

- 4.5 Policy CD51 seeks to control demolition in Conservation Areas, being:

"TO RESIST DEMOLITION OR PARTIAL DEMOLITION OF BUILDINGS IN CONSERVATION AREAS UNLESS:

- (a) THE BUILDING OR PART OF THE BUILDING STRUCTURE MAKES NO POSITIVE CONTRIBUTION TO THE CHARACTER OR APPEARANCE OF THE AREA; OR**
- (b) THE CONDITION OF THE BUILDING IS PROVED TO BE SUCH THAT REFURBISHMENT IS NOT POSSIBLE; AND**
- (c) A SATISFACTORY SCHEME FOR REDEVELOPMENT HAS BEEN APPROVED"**

- 4.6 Taking (a) first, the contribution made by the reservoirs and ancillary buildings to the character or appearance of the Conservation Area must first be gauged. The impact of the removal of these structures must then be assessed, in the light of the above Policy.
- 4.7 The built structures of the reservoirs, and their ancillary buildings including the old pump house, are of some historic interest, although not sufficient to warrant Listing, which has been explored. English Heritage confirmed by letter dated 25th February 1998 that the brick built, vaulted reservoirs were fairly standard for their period, with a number of others surviving, and that they were not “of the special architectural or historic interest required to warrant Listing.” A Certificate of Immunity from Listing was issued on 23rd March 1999, valid for five years. The matter of formal Listing aside, the brick reservoir structures are still considered to be of some local interest; however, it is not considered that they make a *positive* contribution to the character or appearance of the Conservation Area in themselves.
- 4.8 However, the site contains more than the bricks of the reservoirs, and more than the bricks of the reservoirs would be removed under this proposal. The large embankments built up around the reservoirs support trees and other planting widely cherished as part of the character and appearance of the Conservation Area. The embankments were introduced originally to help support the enclosing walls of the reservoir, and although, there is no evidence that they were landscaped with the aim of improving the visual amenity of the site that is a role they do perform today.
- 4.9 Although views into the site are limited at ground level, and the tennis court surface is not seen from street level, the site presents an impression of open space when viewed from many angles, and as such, the open space itself is considered to provide an important contribution to the character and appearance of the Conservation Area.
- 4.10 The site is a very important element in the outlook from surrounding residential development; its appearance as open space contributes greatly to the levels of amenity currently enjoyed by residents of these surrounding buildings.
- 4.11 Criterion (a) of Policy CD51 does not require that the whole of the site should positively contribute to the Conservation Area, *part* of the site is sufficient for the criterion to lead to an objection. Given that the embankments, and open tennis courts, do provide an important contribution to the character and the appearance of the Conservation Area, it is concluded that there is an objection to these proposals in terms of this criterion.
- 4.12 Turning to (b), the reservoirs and other buildings are in reasonable condition and certainly not beyond refurbishment. However, given that they are now redundant for their built purpose as reservoirs, with such use unlikely to resume, it is considered unreasonable to insist on their refurbishment. It is concluded that criterion (b) does not present a ground for objection in this case.
- 4.13 It is concluded that the demolition of the buildings on this site would be in conflict with criterion (a) of Policy CD51. Conclusions on (c) are drawn later in this report.

Principle of demolishing Water Tower House

- 4.14 Water Tower House is not a particularly pleasing building to the eye, being of plain and uninteresting 1970s architecture, and is not well related to the architecture of any of the neighbouring buildings.

- 4.15 The Conservation Area Proposals Statement describes Water Tower House as “a dreadful building in all townscape respects”, and further describes it as “the area’s least appealing building”. It recommends that the site should be redeveloped with “premises more responsive to the prominence of the site and better related to the character of the area”.
- 4.16 Given the strength of the advice in the CAPS, it is not considered that Policy CD51 provides grounds to refuse consent for the demolition of this building, subject to a satisfactory replacement building being approved.

Open Space

- 4.17 *Planning Policy Guidance Note 17 “Sport and Recreation”* stresses (paragraph 25) that great importance is attached to the retention of recreational and amenity open space in urban areas. It comments that open space, whether or not there is public access to it, is also important for its contribution to the quality of urban life, enhancing the character of Conservation Areas, Listed buildings, and historic landscapes. The Note also advises that “the use of land as open space is no less important than other uses”.
- 4.18 Policy LR7 of the Unitary Development Plan is:

“TO RESIST THE LOSS OF EXISTING PUBLIC AND PRIVATE OPEN SPACE WHICH MEETS LEISURE AND RECREATION NEEDS”

- 4.19 This Policy is directed at protecting open space that provides a leisure and recreation function, rather than a purely visual one. The tennis courts are being replaced, albeit only half of them in the “open”, but there is no loss of space that provides for recreational needs and it is not considered that the proposed redevelopment conflicts with the aims of this Policy.
- 4.20 Policy CD21, however, is more concerned with the visual amenity that open space can provide, rather than use as such. This Policy is:

“TO PROTECT AND ENHANCE, AND TO RESIST THE LOSS OF, EXISTING PUBLIC AND PRIVATE OPEN SPACE WHICH MAKES, OR IS CAPABLE OF MAKING, A CONTRIBUTION TO AN AREA’S CHARACTER OR APPEARANCE AND TO RESIST PROPOSALS WHICH WOULD ADVERSELY AFFECT ITS SETTING”

- 4.21 Although the tennis courts are constructed upon the roof of a large built structure, when seen from surrounding buildings, they give the strong *visual impression* of being open space. When viewed from the flats of Kensington Heights, or the upper floors of properties in Aubrey Walk, the site does *appear* to be generally “open” for most of its area. The tennis courts provide the site with an appearance of being predominantly open space, with the ancillary buildings and Water Tower House located in just the eastern part of the site.
- 4.22 From public vantage points it is not possible to obtain anything like the breadth or depth of view that can be had from the aforementioned buildings. Nevertheless, there are a number of public points, primarily in Aubrey Walk, but also to the South, from where views into part of the site can be taken, and from these points too the site appears as largely open space. This impression is strengthened by the trees and shrubs that line parts of the site and which, from

some viewpoints, form the skyline. The site is generally not viewed as a reservoir from outside its boundaries. Although the site is not free from development, and in fact contains some very large built structures, it is the impression of open space that it gives which is considered to make an important contribution to the character, and appearance, of this area.

- 4.23 The role that the site plays, as described above, is precisely the reason why the site was included in the Council's Open Space Survey of 1992, which predominantly contains parks and gardens but also includes playgrounds and tennis courts. The Survey defines "Open Space" as:

"All open land with the exception of individual private gardens and yards, roads and car-parks and vacant land."

- 4.24 Therefore, it is considered that Policy CD21 is applicable to this proposal.
- 4.25 Including the surface of the reservoir structures (i.e, the tennis courts), and the internal access road, approximately 81% of the existing site is, or has the appearance of being, open space. The comparative figure for the proposed development is 67%. However, because the definition of "open space" adopted in the Council's 1992 Survey excludes private gardens, the proposed private gardens for the houses in this application should be excluded from the calculation of the resulting open space in the development. This figure taken into account, the remaining open space on the site would be approximately 8,937 sq.m. or 57%. On this basis, the proposal would result in the loss of approximately 30% of the present open space. As the surface of the site currently makes a positive contribution to the visual character and appearance of the area, it follows that this loss is contrary to the aims of Policy CD21.
- 4.26 The recently published consultation draft Planning Policy Guidance Note 3, if confirmed, places responsibility upon local authorities to place a priority on the development and re-development of urban land, although it also stresses the importance of retaining public open spaces and playing fields as essential amenities within urban areas. The draft Note identifies previously developed land as land where housing development should be maximised, but it excludes land that "was previously developed but where the remains of any structure or activity have blended into the landscape in the process of time...or has subsequently been put to an amenity use and cannot be regarded as requiring development". As described above, the reservoirs and their embankments have blended well into their environment, and provide an important contribution to local amenity, and any proposal for their redevelopment must be considered in this light.

Recreational Provision

- 4.27 Policy LR1 of the Unitary Development Plan seeks to resist the loss of playing fields, pitches, and other sports and recreational provision. Tennis courts are not specifically identified in the Policy or in the supporting text; however, they clearly must be included as an important element of "other sports and recreational provision". The loss of the existing tennis club, or significant reduction in the size or quality of the facilities it offers, would be contrary to this Policy.
- 4.28 However, the proposal does not involve any reduction in either the size, range, or quality of the tennis facilities offered on this site. Moreover, the proposed six indoor championship standard courts, available for use at all times of the year, whatever the weather, must be seen as a significant enhancement of the tennis facilities on this site. The proposal is not contrary to Policy LR1, and the continuation of the tennis club use of the site is generally supported by the relevant recreational policies of the UDP.

Principle Of Using The Site To Provide Housing

- 4.29 In its advice of 1994, the London Planning Advisory Committee (LPAC) advised that the Royal Borough should provide 7,750 additional dwellings (net) by 2006. Strategic guidance from central government confirmed this in the form of revised RPG3 (1996), which stressed that the LPAC figures should be regarded as **minimum** figures. This target is a material consideration in assessing this proposal.
- 4.30 The LPAC/RPG3 target is likely to be a difficult one for the Borough to meet. Clearly, if any serious progress is to be made towards reaching this target, then the Borough cannot simply rely upon sites identified in the Schedule of Major Sites, but must also take full advantage of other development sites as and when they become available.
- 4.31 Although the Unitary Development Plan was prepared before the issue of RPG3, it reflected guidance already in force and confirms this in Policy STRAT 2, which is:

“TO SEEK AN INCREASE IN RESIDENTIAL PROVISION WITHIN THE ROYAL BOROUGH BY RESTRICTING THE LOSS OF LAND AND BUILDINGS WITH EXISTING RESIDENTIAL USE AND ENCOURAGE THE PROVISION OF ADDITIONAL PERMANENT RESIDENTIAL ACCOMMODATION ON SUITABLE SITES AND BUILDINGS WHERE APPROPRIATE”

- 4.32 Policy STRAT 14 is:

TO SEEK TO MAXIMISE THE RESIDENTIAL CAPACITY OF THE BOROUGH IN LINE WITH STRATEGIC GUIDANCE FOR LONDON

- 4.33 It is considered that significant weight must be attached to these strategic policies, and to the guidance that they reflect.
- 4.34 Policy H2 provides further guidance as to the priority that should be given to the residential development of sites, and criteria to assess where such development is, or is not, appropriate, (subject to the other Policies of the Plan). This Policy is:

“TO SEEK THE DEVELOPMENT OF LAND AND BUILDINGS FOR RESIDENTIAL USE UNLESS:

- (a) A SATISFACTORY RESIDENTIAL ENVIRONMENT CANNOT REASONABLY BE ACHIEVED BY REASON OF EXCESSIVE NOISE, INAPPROPRIATE LOCATION OR GROUND CONTAMINATION; OR**
- (b) THE LAND IS REQUIRED FOR THE PROVISION OF SOCIAL OR COMMUNITY FACILITIES TO MEET LOCAL NEEDS; OR**
- (c) THE DEVELOPMENT IS FOR THE REPLACEMENT ON THE SAME SITE OF EXISTING COMMERCIAL FLOORSPACE WHICH HAS NOT GIVEN RISE TO ENVIRONMENTAL OR TRAFFIC PROBLEMS”**

- 4.35 The primary use of the existing site is the provision of reservoirs and ancillary facilities, together with residential use at Water Tower House. Thames Water have stated that the introduction of the London Ring Main has rendered these reservoirs redundant, and there is no reason is known why this statement by Thames Water should not be accepted as a true reflection of the status of these reservoirs. As far as is known, there is no demand, and is not likely to be any demand, for the provision of reservoirs on this site. There is not considered to be any reason why, in planning terms, the Council should seek to protect the existing use of the site for reservoirs.
- 4.36 As discussed previously, the existing recreational use on the site would, under this application, be replaced with enhanced recreational facilities. In the absence of any justification to insist on the site being retained for reservoir use, it is considered that the relevant Unitary Development Plan Policies and government guidance relating to housing are of such significant weight that housing must be seen a preferred use for the site. In other words, if the site is considered to be suitable for anything other than reservoirs with open space, then housing must be the most appropriate use under these Policies and guidance.
- 4.37 Applying the criteria of Policy H2, it is considered that criterion (a) does not provide cause for concern when considering the principle of housing on this site, given that the site is located firmly in a residential part of the Borough and actually includes housing already. The amount, and form, that housing on the site should take is, however, another matter and this is returned to shortly. Criterion (b) is met, as the role the site plays in providing a community facility (the tennis club) is preserved. Criterion (c) does not present an objection given the redundancy of the existing use of the site.
- 4.38 It is concluded that there can be no objection to the principle of some residential provision on this site, subject to the other Policies of the Plan. However, the questions of how much housing, where it is to be positioned, and what form it should take, remain to be examined in the context of these other Policies.

The mix of housing

- 4.39 Policy H19 is:

“TO SEEK AN APPROPRIATE MIX OF DWELLINGS WITHIN A SCHEME, HAVING HAD REGARD TO THE FOLLOWING FACTORS:

- (a) THE PHYSICAL CHARACTER OF THE SITE OR BUILDING AND ITS SETTING;**
- (b) THE PREVIOUS OR EXISTING USE OF THE SITE OR BUILDING**
- (c) ACCESS TO PRIVATE GARDENS OR COMMUNAL GARDEN SQUARES FOR FAMILY UNITS;**
- (d) THE LIKELY EFFECT UPON CAR PARKING IN THE AREA;**
- (e) THE SURROUNDING COMPOSITION AND DENSITY OF POPULATION;**
- (f) THE LOCATION OF SCHOOLS, SHOPS AND OPEN SPACES;**

- (g) **PROVISION OF ACCOMMODATION FOR SPECIAL NEEDS;**
- (f) **BUSY ROADS OR RAILWAY LINES NEARBY.”**

- 4.40 As can be seen from the breakdown of units set out in paragraphs 2.6 and 2.7 above, the houses are all four bedroomed, family sized houses, and the mix of flats within the two blocks is weighted towards two-bedroomed flats, although there are also some flats with one, or three, bedrooms. The affordable housing flats are a mix of two and three bedroomed units.
- 4.41 Overall, the mix of units is considered to be reasonable for this location, and acceptable under the relevant planning Policies.

Affordable housing

- 4.42 Policy H22 of the Unitary Development Plan is applicable to this site. The Policy is:

“ TO SEEK WHERE APPROPRIATE THE INCLUSION AND RETENTION OF A SIGNIFICANT PROPORTION OF AFFORDABLE RESIDENTIAL UNITS ON RESIDENTIAL DEVELOPMENT SITES OF OVER 0.05 HECTARES IN SIZE”

- 4.43 This site is technically a “windfall” although it has been proposed for inclusion in the UDP Schedule of Major Sites With Development Opportunities as part of the review and updating of the UDP.
- 4.44 The proposed draft alterations to Policy H22 would result in the following wording:

“TO 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”

- 4.45 These draft alterations are still at an early stage of evolution and have yet to be consulted on with the public. Consequently, they have relatively little weight as a material consideration and it is the content of Circular 6/98 which is of more significance. Circular 6/98 emphasises the need for the on-site provision of affordable housing as part of new housing developments and proposes a site threshold of 15 dwellings as a trigger for negotiation
- 4.46 Assessment of the applicant’s affordable housing proposals can be divided into four main areas; location on site, the amount proposed, the suitability of the housing, and finally the deliverability (arrangements for implementation) of the proposed housing.
- 4.47 The provision of seventeen units in the Aubrey Walk block is suitable, in that this block is a free standing block with its own direct access from Aubrey Walk. They are reasonably sized flats that satisfy housing standards. Limited dedicated amenity space is provided at the front adjacent to Aubrey Walk, accessed from the main entrance to the block which is also off Aubrey Walk. The Council’s Housing Officers have confirmed that this accommodation is suitable for their purposes, and would provide for a known local need. If the affordable housing provider wanted to amend this mix then flexibility exists to achieve that, providing the external appearance of the building would not be harmed.

- 4.48 The UDP Housing Chapter (para. 5.10) seeks to maintain one third of the Borough's housing stock as affordable. This is a reasonable aim, but is not expressed as a rigid quota, and must be tested against the circumstances of individual sites. In this instance, the proposed affordable housing is provided in a separate block in Aubrey Walk and allows easy access from the street. To increase the proportion of affordable housing beyond that which could be provided within the Aubrey Walk block as presently designed, would result in either (a) a larger Aubrey Walk block, which would be unlikely to be acceptable on townscape grounds, or (b) placing some affordable units within the Campden Hill Road block with possible management problems to be overcome in consequence.
- 4.49 Furthermore, there is an important point to be made about how to calculate the proportion of affordable housing on the site. The site currently contains 18 dwellings (15 in Water Tower House and 3 in Aubrey Walk). Consequently, the proportion of affordable housing of the net addition (49) to the dwelling stock on the site is approximately 35 % which is in line with the Council's objective. On balance, the proposed amount of affordable housing is considered acceptable in relation to the overall design of the development.
- 4.50 There remains a significant cause for concern relating to the affordable housing provision associated with this proposal. The applicants have agreed to observe the sequential approach recommended both by this authority and in government guidance; however, they propose that a sequential series of tests should be incorporated within a planning obligation under S.106. Under this, if a provider for the affordable housing (such as a registered housing association) was not forthcoming, then the Council could "trigger" the second stage of providing affordable units on a suitable alternative site in the Borough, and, if that proved unsuccessful, trigger the third and final stage which would be the acceptance of payment in-lieu to secure provision on a site as yet unidentified.
- 4.51 This contrasts with the normal, well practised approach where a sequential assessment takes place *before* the issue of any planning permission. This Council has always taken planning decisions relating to the provision of affordable housing in the knowledge of whether such accommodation would be provided on site, or elsewhere. Some flexibility exists in such negotiations; it might be that a mix of provision methods could be appropriate, for example some units provided on-site and others provided off-site. Whatever the selected method of provision, the matter of where affordable housing is to be located, and when, is a material consideration in taking a decision to grant planning permission.
- 4.52 It is not considered acceptable to effectively defer the question of where affordable housing might be provided until after planning permission is granted. With sites all too rarely available for affordable housing in this densely built up Borough, the need to secure such provision in advance of granting permission is considered paramount. To do otherwise is unlikely to meet the Council's housing objectives.
- 4.53 It is concluded that the applicant's proposal to embody sequential test within a S.106 agreement would fail to satisfy the aims of Policy H22, Circular 6/98, and the Council's emerging affordable housing policies.
- 4.54 At the time of writing, discussions are still in progress in relation to affordable housing, and any further developments will be reported verbally to the Committee.

Density

- 4.55 The Unitary Development Plan points out that if the housing capacity figure for the Royal Borough, identified in Regional Guidance and sought through STRAT 14 of the Unitary Development Plan, is to be met, then it will be necessary to place not only a high priority on allocating all available land for residential use, but also to make the best use of that land. It does stress, however, that a balance has to be struck between making the best use of residential land, ensuring new housing is of a good standard, and protecting the character and environment of surrounding areas. The Unitary Development Plan defines “very high density” as being more than 350 hrh, and in Policies H10, and H11 it seeks to resist housing designed to higher densities except where it (inter alia) enables the provision of affordable housing or where it is necessary for townscape reasons.
- 4.56 Regional Planning Guidance, in the form of RPG3, advises that in order to pursue the overall aim of sustainable development through concentrating development in urban areas, local plan policies should permit flexibility when dealing with the issue of density.
- 4.57 The recently issued Consultation Draft of the new Planning Policy Guidance Note 3 places further emphasis upon achieving higher densities on development sites. The Consultation Draft actually recommends that authorities should set minimum densities for new housing development, and that low densities at a rate of 20-25 dwellings per hectare should be “avoided”.
- 4.58 The proposed development would provide 62 dwellings on this 1.56ha site, or about 40 dwellings per hectare. On the housing part of the application site, this produces about double that figure per hectare.
- 4.59 Excluding the tennis club from the housing site area for the purpose of the density calculation, a density of approximately 337 hrh would result from these proposals, which is at the highest end of that normally acceptable under Unitary Development Plan Policies. It is noted that there are other residential blocks in the area with much higher densities, such as Kensington Heights and Airlie Gardens. However, these are not the predominant form within the area, much of it being much lower density, in particular along Aubrey Walk.
- 4.60 However, “density” is not intended to be assessed solely in terms of comparative figures. It is a tool, a measure that can help in assessing the overall form of development on a site. If the density on the site is indeed on the high side, then it can be expected that other problems in terms of layout, and bulk, might also manifest themselves.

General Arrangement/Form/scale

- 4.61 The UDP refers to the scale and height of new development in Policy CD25, which is:

“TO SEEK 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 AND CHARACTER OF THE SURROUNDINGS”

- 4.62 Policy CD53 is applicable to all development within Conservation Areas, being:

“TO ENSURE THAT ALL DEVELOPMENT IN CONSERVATION AREAS IS TO A HIGH STANDARD OF DESIGN AND IS COMPATIBLE WITH:

- (a) CHARACTER, SCALE AND PATTERN;
- (b) BULK AND HEIGHT;
- (c) PROPORTION AND RHYTHM;
- (d) ROOFSCAPE;
- (e) MATERIALS;
- (f) LANDSCAPING AND BOUNDARY TREATMENT;

OF SURROUNDING DEVELOPMENT.

General

4.63 The overall layout of the site, essentially comprising two blocks and a square of houses with a landscaped central space, is considered to be an appropriate basic plan for development of this site. A block in the Water Tower House corner is considered, in principle, to be an acceptable replacement for the existing building, subject to its detail. A short run of low rise terraced houses, or a block adopting some of the form of such a terrace, is considered to be appropriate for the land bordering Aubrey Walk as this form is compatible with the existing layout and scale of Aubrey walk. Housing, around a landscaped centre, is considered to be appropriate in principle for the site, subject to its exact arrangement and detail.

Campden Hill Road block

4.64 Kensington Heights rises to a height of 58.6m. The apparent height of Kensington Heights is accentuated by its position at the highest part of Campden Hill, with the land falling away to the South and North. The existing Water Tower House is much lower than Kensington Heights, and there is a further step down to no. 25 Campden Hill Gardens to the North of that, forming the other corner of Aubrey Walk with Campden Hill Road. In this way this way, the current building heights step down to the North of Kensington Heights.

4.65 In plan form, the building would be set further forward than the present building particularly along its southern boundary with Kensington Heights. Set backs from the main building line, and further set backs at upper levels, will produce a well articulated facade with a more sympathetic relationship to the street. The building plan form would be staggered back as it turns into Aubrey Walk to retain the pedimented roof of 25 Campden Hill Gardens as prominent in views North along Campden Hill Road.

4.66 With the proposed Campden Hill Road block reducing from six storeys to three as it reaches the corner to Aubrey Walk, the architects have addressed this corner location by proposing a form that is compatible with both the bulk of Kensington Heights to the South, and by stepping the skyline of the building they have sought to respect the lower height of the property to the North and the more intimate scale of Aubrey walk.

4.67 Important views of the application site, and the primary points from where the impression of scale of building can be read from the public domain, are to be had. The proposed building to replace Water Tower House will feature strongly in these views and will be most visible when approached from the south along Campden Hill Road occupying as it does a prominent position close to the top of the hill. There is currently an abrupt change in heights between Kensington Heights and Water Tower House with a drop from seven to four continuous storeys producing a skyline which relates badly in terms of scale and roofline to neighbouring

modern properties along Campden Hill Road (although it is less discordant along Aubrey walk). The proposed replacement block attempts a transition in heights between Kensington Heights and 25 Campden Hill Gardens, competing in height with Kensington Heights to the north whilst stepping down to the more traditional scale of its neighbour on 25 Campden Hill Gardens.

- 4.68 It is considered that any replacement building for Water Tower House should provide an attractive focal point in views along Campden Hill Road, and make a positive contribution to the character of the Conservation Area. This is the reason that the CAPS supports the demolition of the existing building.
- 4.69 In views from the North up Campden Hill Road the new building will be more visible than the existing, which is largely hidden by 25 Campden Hill Gardens. The new building would feature much larger in views along Campden Hill Road, Aubrey Walk, and Campden Hill Gardens, and will also feature in views from nearby properties. Looking North out of Campden Hill Gardens into Aubrey Walk, the view will be terminated more emphatically than now, with a building more appropriately articulated than that existing. However, this view from Campden Hill Gardens notwithstanding, it is considered that from other aspects the proposed building will not achieve the positive contribution to the area that is sought. Reference is made later in this report to the impact upon the setting of St. George's church.
- 4.70 The problem is not so much in its detailed treatment, or in its footprint, but lies in the starting point in attempting a "step down" to the North from Kensington Heights. Firstly, this "step down" is limited in its extent by only dropping to a compatible height with no.25 Campden Hill Gardens very close to the northern end of the building. Secondly, and crucially, it is considered that the starting point itself is misconceived; Kensington Heights is a very large building, larger than most buildings locally and possibly the most dominant building in Campden Hill Road. It is a building that itself is out of scale and proportion to surrounding development, an effect accentuated by its position on top of the hill. It is considered that this does not provide a sound basis for shaping further nearby development such as the replacement for Water Tower House; the solution must be to move away from its scale altogether, towards the scale of no.25 Campden Hill Road, rather than attempt to emulate its height and scale even in part.
- 4.71 It is concluded that the bulk and scale of this development is not compatible with no.25 Campden Hill Gardens, and is generally out of character with most of its surroundings despite being more compatible with Kensington Court and Melbourne Court. Moreover, the bulk of the building is such that it would not provide the sought after enhancement to the streetscape of Campden Hill Road. As such, the proposed building would not accord with the Conservation Area Proposals Statement, and would not satisfy the requirements of Unitary Development Plan Policy CD25 or CD53.
- 4.72 As a result of negotiations with Officers, the design of the Campden Hill Road block has been altered considerably by the applicants. Concern was raised that the block as originally proposed appeared to be too massive, and the applicants amended the design approach with the aim of reducing the apparent bulk of the building whilst improving its design quality. It is considered that the revised design succeeds in significantly improving the design quality of the building, but despite this it does not provide the solution to the fundamental matter of its bulk.

Aubrey Walk block

- 4.73 The Aubrey Walk block has been designed with the aim of improving the urban form of Aubrey Walk by strengthening the sense of enclosure. Although the street is generally well enclosed along its western half, there are large gaps in the built form in the eastern section, either side of block no.3-7. Whilst there are mature trees in these gaps, which are of townscape

value, the spaces around them offer large glimpses of sky and views of the tennis club boundary which undermine the sense of enclosure and do not make a positive contribution to the character of the street. The CAPS (p.50) identifies these spaces as never having been properly considered in design terms, and notes that landscape improvements with the aim of enhancing the sense of enclosure throughout Aubrey Walk would be welcomed. The new buildings would provide a definite and well articulated edge for this part of the street, whilst incorporating sufficient threshold space to incorporate some landscaping. In their design detail, they are relatively low key and domestic and this is considered to be appropriate for any new buildings in Aubrey Walk.

- 4.74 On the other hand, this block would be constructed at the expense of the bank of shrubs and trees that exists in this position, and which provides an important contribution to the character and appearance of Aubrey Walk. Although it might add to the built form of Aubrey Walk, it would fundamentally alter the character and appearance of this part of Aubrey Walk too. It is concluded that the Aubrey Walk block would probably satisfy the specific criteria of Policy CD53; it would not, however, satisfy the more general requirement of Policy CD52 as it would enhance the character of Aubrey Walk in an urban design sense and yet harm its character by removing an important contribution to its present character and visual amenity.

The "Square"

- 4.75 The garden square form, in theory, should maintain a well defined sense of enclosed public urban space whilst simultaneously providing views into an attractively landscaped private garden square. This is the effect that the applicants have sought to achieve in their scheme, and since the application was first submitted amendments have been made to the "square" at the centre of the proposals in order for it to better address Aubrey Walk.
- 4.76 However, the proposed "square" is considered to suffer from a particular drawback that severely limits the role that such a landscaped centre could play in a redevelopment scheme of this site; it is too constricted in its size, and too dominated by the buildings arranged closely around it, to ever achieve the well defined, well proportioned enclosure that is desirable. It is not only that it compares badly to the proportions of traditional London Squares; that would not be expected here as there would not anyway be enough space for that. It is that the relationship between the "square" and its buildings is such that the square would not achieve the merit as an urban space that it needs to achieve to provide a positive contribution to the character and appearance of both Aubrey Walk and the development itself.
- 4.77 It is considered that the relatively high residential density of the development proposed for this site manifests itself in the constricted form of the "square".
- 4.78 It is concluded that the "square" does not attain the high standard of design that is envisaged in Policy CD53.

Setting of nearby Listed buildings

- 4.79 The impact of the new buildings and landscape on the setting of the surrounding Listed buildings has been considered.
- 4.80 The existing reservoir retaining wall and embankment to Aubrey House would be left untouched in these proposals apart from minor adjustments to its planting, and there is not considered to be any material change to the existing relationship whereby the House exists adjacent to a planted embankment with a retaining wall and tennis courts behind.

- 4.81 It is considered that the Water Tower House Block and Aubrey Walk block will alter the setting of the listed buildings at this end of Aubrey Walk, in particular St. George's Church, and the southern group of houses will similarly alter the setting of Thorpe Lodge to the South. Policy CD61 is:

**“TO RESIST DEVELOPMENT WHICH WOULD ADVERSELY
AFFECT THE SETTING OF A LISTED BUILDING”**

- 4.82 Thorpe Lodge and St. George's church are presently set against planted embankments opposite them, and in each case these embankments would be replaced by buildings and much reduced planting. In the case of St. George's Church, this building would have its townscape prominence diminished and would be seen in a much altered setting in the streetscape as a result of the proposed changes at this end of Aubrey Walk. In the case of Thorpe Lodge, the terrace of houses proposed to its North would tower above it by approximately 10m, which would dominate this building from some perspectives. It is concluded that, in the case of Thorpe Lodge and St. George's church, the proposals are contrary to Policy CD61.

Design - External Detail

- 4.83 Policy CD25, as set out above, requires a high standard of design detail in new buildings. CD53 (e) also relates to materials in Conservation Areas.
- 4.84 The design detail of this development has been amended several stages as a result of negotiations between the applicants and Officers.
- 4.85 In design terms, it is considered that an amount of flexibility exists at the Water Tower House corner of the site, and internally within the site, but less so along Aubrey Walk. A fine grain of development is proposed within Aubrey Walk and the terraces around the square. It is considered that the narrow frontage rhythm proposed is compatible with the existing character of Aubrey Walk, which contains several short terraces of narrow frontage buildings and individual narrow buildings. The materials indicated are high quality. Facades and rooflines conform to a traditional domestic pattern appropriate to the intimate domestic character of Aubrey Walk.
- 4.86 On Campden Hill Road, the pattern of development is quite different from that along Aubrey Walk. Development is coarser grained with several large blocks of flats of modern design neutral in terms of their contribution to the character of the Conservation area. The prominence of the site requires that a new building makes a positive contribution to the character of the conservation area. Given the eclectic mix of surrounding architectural styles, it is considered that there is more flexibility in terms of the style of architecture. The proposed block is considered to be modern and well detailed, with well articulated facades, which will contribute visual interest and variety to the streetscape. The materials indicated are traditional and sympathetic to those used in Aubrey Walk. Brick facades are indicated with stone dressings to bays, stone string courses and cornices and timber framed windows.
- 4.87 As is normal practice for schemes of this size, Conditions would be recommended for any approved scheme requiring details and/or samples of the majority of the materials to be used for the facing treatment of the proposed buildings, to ensure that a good quality finish is provided and maintained. This is clearly important at all parts of the site but is considered to be

of particular importance for the Campden Hill Road block, where the success of a more modern design would hinge to a large extent upon the quality of the selected facing materials.

A "gated community"

- 4.88 The proposed development includes gates at the vehicular and pedestrian entrances.
- 4.89 A characteristic feature of the Royal Borough is the existence of busy commercial areas very close to relatively much quieter residential areas. With only the occasional exception, these residential areas include permeable thoroughfares accessible to vehicle or foot borne members of the public. The attractiveness of garden squares, and the quiet of the residential areas generally, thus provide an important amenity that can be enjoyed by all, at all times. Access to these areas is instrumental in this potential for enjoyment; deny access and the amenity value of an area changes, and is reduced and harmed, considerably. Accessibility to the public in general allows an area to be properly appreciated and enables the full value of a pleasant environment as a public amenity to be realised. It is considered that this aspect should be seen as inseparable from the physical character and appearance of the area. Permeability is one of the characteristics that allows the Kensington Conservation Area to be enjoyed. Members will recall that this question was one of the main issues debated at the recent Public Inquiry relating to Earl's Terrace, after which that appeal was dismissed.
- 4.90 If it is accepted that the development of this site should make a contribution to the amenity or the area, both physically and in its use, then the proposals for a segregated community with restricted access come into immediate conflict with Policy STRAT 1. If priority is to be given to the protection and enhancement of the residential character and amenity of the Royal Borough, this will not be achieved by a "gated" development, separated from its surrounding environment. Moreover, to approve a "gated community" in this case would undoubtedly mean that similar proposals elsewhere in the future would become harder to resist.

Traffic Generation

- 4.91 As described in the Unitary Development Plan (paragraph 4.2 onwards in the "Transportation" Chapter) the Council follows an approach of general traffic restraint, because of the many adverse effects that motorised traffic can have upon the residential character of the Borough. Clearly, in relatively quiet roads such as Aubrey Walk, Aubrey Road and Campden Hill Square, it is particularly important that any development does not result in a significant increase in local road traffic levels.
- 4.92 Policy TR39 is:

"TO RESIST DEVELOPMENT WHICH WOULD RESULT IN ANY SIGNIFICANT INCREASE IN CONGESTION, OR ANY SIGNIFICANT DECREASE IN SAFETY, ON THE ROADS OR ON PUBLIC TRANSPORT"

- 4.93 A Traffic Impact Assessment (TIA) has been prepared by consultants on behalf of the applicants, and this assessment has been carefully examined by Council Officers in respect

of its methodology, the input data, the results of the traffic estimates, and the conclusions drawn. Aspects of the assessment have been re-worked, and re-examined, at the instruction of Officers. The figures contained in the TIA have now largely been agreed between the Officers and the applicant's consultants.

- 4.94 The TIA has considered the existing traffic movements along Aubrey Walk and Aubrey Road as well as the operation of its junction with Campden Hill Road and the Notting Hill Gate / Campden Hill road junction. These existing movements are based on the tennis club operating as at present, and flows associated with the 15 residential units in Water Tower House. The TIA also examines the traffic situation which would arise if the disused offices and vehicle depot were brought back into use, and lastly assesses the impact of the new residential uses.
- 4.95 At present the flows along Aubrey Walk are rather variable, ranging from 100 to 200 vehicles per hour in the morning peak, which tends to be the busiest time. This variation in flow can be explained by the varying conditions on Campden Hill Road which may cause vehicles to divert to Aubrey Walk/Road when queues are present.
- 4.96 It is estimated that in the morning and evening peaks some 9 vehicle movements in total are currently associated with the 15 flats and the tennis courts. Should the depot and offices be operating at their full capacity then an additional 19 trips might be expected in the peak hours.
- 4.97 The proposed new housing will probably generate some 21 movements in the morning peak and 26 in the evening. Leaving aside the potential uses of the site as a depot / offices for Thames Water, the net gain in trips would therefore be 21 in the morning peak, and 26 in the evening peak, both arrivals and departures. It has been assumed that departing trips will split evenly between Aubrey Walk /Aubrey Road and Campden Hill Road. Trips arriving at the site will arrive predominantly via Campden Hill Road, because of the configuration of the road network.
- 4.98 The above calculation is based on the assumption that the tennis traffic remains the same after the development. However, it is clear that currently, on some days especially in the winter months, the tennis traffic will be very low as there are no indoor playing facilities. Surveys undertaken in May of this year showed that in good weather, some 20 car movements occurred in the busiest hour (Saturday 12 noon - 1p.m.) If the courts were to be fully occupied, with say 40 people waiting to play and 40 enjoying the outdoor terrace, then this could conceivably increase to 35 car movements. The new development would therefore be likely to generate at least 10 car trips in the busiest hour and possibly as many as 18, if the indoor courts and the ancillary facilities were to be used at a similar level of intensity.
- 4.99 It is concluded that the additional numbers of vehicular trips associated with the proposed development would not be significant, and would not justify a reason for refusal of planning permission. However, the analysis must go beyond the matter of traffic capacity and examine how the existing character and residential amenity of surrounding streets, in particular Aubrey Walk, may be affected.
- 4.100 Notwithstanding the conclusion that the numbers of additional vehicles generated by the residential and recreational uses would not be sufficient to sustain an objection in terms of road capacity and vehicular movement, the fact remains that the *pattern* of activity would be likely to alter as a result of the proposals.

- 4.101 At present, the level of activity generated by the redundant reservoirs and the ancillary Thames Water buildings is low. The tennis club does not generate much vehicular or pedestrian activity around the year, with activity at its lowest in the winter or on inclement days in the summer. It is considered that the enhanced recreational facilities in the proposal, in particular the six indoor tennis courts, would result in an altered pattern of use, where even in the periods presently quietest there would be intensified activity associated with the site.
- 4.102 The existing, relatively “low-key” use of the site has existed for many years, nearby residents aware of the club, and existing in close proximity to it, from the moment they moved in. Although there have been complaints relating to parking problems, the existing club appears to exist quite harmoniously with its immediate surroundings, and it is considered that one of the most important ingredients in this balance is the fact that, very often, the club generates little or no vehicular activity at all. This would no longer be the case, as the peaks and troughs in activity would be largely “evened out” by the enhanced indoor facilities. It is concluded that the alteration of the existing balance would be to the detriment of local residential amenity.

Parking Provision and Means of Access

- 4.103 The Unitary Development Plan recommends, in the “Planning Standards” Chapter, that purpose built flats of up to 5 habitable rooms should be provided with a minimum of one space per dwelling unit, with a minimum of 1.5 spaces per unit of 5 or more habitable rooms. The basement parking provision of 92 spaces allows for 2 spaces for each of the houses in the form of double garages with internal access to the house, and one space per flat.
- 4.104 This parking provision complies with the relevant Unitary Development Plan standards.
- 4.105 The Unitary Development Plan allows for a lower provision of spaces for affordable housing, with 0.66 spaces per unit being specified but even lower provisions down to 50% (0.5 spaces per unit) may sometimes be considered acceptable. It is considered that the number of spaces allocated to the affordable housing is acceptable as proposed at 1 for 1, however a lower provision of 50% would be accepted if it helped facilitate the affordable housing part of the scheme.
- 4.106 It is proposed to close the existing accesses to the site, and replace them with a single access on to Aubrey Walk approximately 18m to the West of Campden Hill Gardens. It is considered that the new access in this position would facilitate improved geometric and visibility standards, and the proposed access is considered to be satisfactory in these terms.
- 4.107 Access to the site is not possible directly from Campden Hill Road. Although such access might be preferable in many ways, including in terms of the amenity of Aubrey Walk, it is not part of the proposal and preference for another means of access is not a reason to refuse the proposed access point which, in itself, is considered to be satisfactory.
- 4.108 Internal refuse facilities are provided within the underground car park, accessed from the ramp from Aubrey Walk. These elements appear satisfactory, although they have not been worked through in detail and would anyway be reserved by Condition for submission of further details for analysis and approval.

Disabled Access

4.109 Policy H28 of the Unitary Development Plan is:

“TO SEEK WHERE PRACTICAL THAT GROUND FLOOR DWELLINGS, OR THOSE REACHED BY A LIFT, IN HOUSING DEVELOPMENTS ARE BUILT TO MOBILITY STANDARD AND TO ENCOURAGE CONSTRUCTION TO WHEELCHAIR STANDARD”

- 4.110 The arrangement of the proposed development has been revised since submission following discussions with the Council’s Access Officer..
- 4.111 The Unitary Development Plan recommends that 10% of spaces in a car park should be designed for disabled parking. The underground car park has direct access for wheelchair users. 12 bays are set aside for disabled drivers. This provision is welcomed by the Council’s Access Officer.
- 4.112 It is normal to expect that 10% of an affordable housing element of a housing scheme should be wheelchair/mobility/“lifetime” housing. This would need to be incorporated within Conditions or a planning obligation if planning permission was to be granted. The location and detail of dropped kerbs and tactile paving would also be reserved by Condition for later approval.
- 4.113 Part M of the Building Regulations is currently in the “Transitional Provision” stage. All new dwellings will be expected to have a degree of “visitability” after the inception date. If a development has Full Plans approval under the Building Regulations before 1st June 1999 then compliance with the new Part M will not be expected. However, if a development does not have approval, or only has Initial Notices, then they would be expected to comply with the Part M provisions on or after 25th October 1999.
- 4.114 Overall, it is considered that the opportunity has been taken to design in a satisfactory level of access and mobility features.

Noise, Environmental and sustainable issues

4.115 Policy CD34 is:

“TO RESIST PROPOSALS WHERE THE NOISE GENERATED WOULD CAUSE SIGNIFICANT DISTURBANCE TO SURROUNDING PROPERTIES”

- 4.116 The existing tennis club has twelve outdoor courts, and the proposed club only six plus a practice court. Spectator stands are not provided, and numbers could anyway be controlled by Condition in the event of planning permission being granted. It is not considered that the proposed tennis courts would be likely to result in any greater noise disturbance than that which could result from intensive use of the present twelve courts, probably less.
- 4.117 The occupants of the proposed houses and flats on the site would clearly generate more activity and noise than the present site with its relatively small office and storage

buildings, and one block of flats. However, given that this is anyway a residential area, and therefore, a compatible land use. Although the density of development is very high, it is not considered that the development would be likely to result in noise levels that would materially reduce the levels of amenity presently enjoyed in the locality.

4.118 Levels of noise and activity associated with road traffic have been assessed separately above.

4.119 Policy CD35 of the Unitary Development Plan is:

“TO ENSURE THAT RESIDENTIAL DEVELOPMENTS INCLUDE ADEQUATE PROTECTION OF THE INTERNAL ENVIRONMENT FROM THE EFFECTS OF NOISE”

4.120 This is a residential area without any major noise sources. The peace and quiet of the area have been stressed earlier in this report, and by the majority of local residents who have written in on the proposals. An Environmental Noise Survey or PPG24 “Planning & Noise” Assessment are not considered to be appropriate in this case. It is considered that there is no objection to the proposals in terms of Policy CD35

4.121 It is not considered that a combination of residential and sports/open space uses on this site presents any concerns in terms of sustainability.

4.122 The new Town and Country Planning (Environmental Impact assessment) Regulations came into force on 14th March 1999. They have revoked and amended the earlier 1988 Regulations. The regulations provide *exclusive* thresholds under which certain developments will not require EIA and *indicative* thresholds above which EIA is “likely to be need” for certain schemes. There is a grey area between these two thresholds where EIA *may* be required.

4.123 The “exclusive” threshold for “urban development projects”, including the construction of shopping centres and car parks, sports stadiums, leisure centres and multiplex cinemas is 0.5 ha. The “indicative” threshold for when EIA is “more likely to be required” is 0.5 ha or more. In theory, therefore, the Council could require an EIA for a proposed development if it is likely to have significant environmental effects, if the size is greater than 0.5 ha.

4.124 In the case of this application, extensive study has been carried out into traffic generation, and no noise or pollution generating uses are proposed for the site. It may be that the proposals would have a significant visual impact upon the area, as argued elsewhere in this report, but there the proposals are not considered to present any significant environmental implications and an EIA is not considered to be necessary here.

Floodlighting

4.125 At present, the two double court areas are lit by five 8m lighting columns down each side of the two blocks of courts. There are no Conditions or other local authority controls, governing their use or light emission.

4.126 It is proposed that four of the proposed courts would be floodlit, using 6.7m columns mounting high performance asymmetric floodlights. It is anticipated that, in addition to having shorter columns, the proposed lights will afford greater control of lightspill and glare. Furthermore, there is now the opportunity to impose Conditions to restrict the hours of use of the lights. It is considered that Conditions to control the light spread, and

restrict the hours of operation, would enable greater control over the floodlighting than exists at present and result in residential amenity being satisfactorily safeguarded.

- 4.127 It is concluded that, subject to such controls, the proposal would not be likely to result in any greater light pollution from the tennis club illumination than at present, and probably an improvement.

Trees and Landscaping

- 4.128 There are a number of existing mature and semi-mature trees around the boundary of the site, with many of these on the North (Aubrey Walk) and South sides of the site providing a highly important contribution to the visual amenity of this part of the Conservation Area. The applicants have provided a full survey of the trees on the site, and lengthy discussions have taken place between the applicant's consultants and the Council's Arboriculturist as to the likely impact upon these and nearby trees.
- 4.129 The most important trees are considered to be a mature ash on Aubrey Walk immediately to the East of the tennis club, a group of three sycamores immediately to the West of the existing main site access, three Turkish hazel trees also on Aubrey Walk, six ginkgo trees and a birch tree on Campden Hill Road. The southern boundary to the site contains sixteen large sycamore trees, and the western boundary (to Aubrey House) a variety of trees and shrubs including sycamore, oak, ash, and hawthorn.
- 4.130 Impact upon Aubrey Walk - the ash, sycamore, and hazel trees of Aubrey Walk are all to be retained, and protected throughout construction. The Council's Arboriculturist is satisfied that the proposed protection measures will safeguard these trees. As the three hazel trees are outside the site boundary, a planning Obligation under S.106 would be required to safeguard them.
- 4.131 A block of self-seeded vegetation does exist to the North of the pump house; this does not comprise items any individual value, but collectively helps screen views in to the site. This area would be lost in the proposed development, but new planting is proposed along Aubrey Walk to compensate for its loss.
- 4.132 Impact upon Campden Hill Road - The six ginkgos and one birch along the boundary with Campden Hill Road are to be retained. Protecting them on-site would be difficult during works, and it is proposed that these are to be removed from site and replaced during landscaping works.
- 4.133 A large Tree of Heaven adjacent to Water Tower House would also be lost, but its proximity to Water Tower House is such that adequate protection would be most unlikely to be achieved during the demolition of the building. Consent for the removal of this tree was granted on 3rd March 1999.
- 4.134 Along the eastern boundary adjacent to Kensington Heights, there is a strip of existing trees and shrubs on a shallow embankment. This strip of land is not in the same ownership as the application site and all these trees are retained. The tree protection methods are considered to be satisfactory.
- 4.135 Southern boundary - The eastern part of the southern boundary is where gardens to the southern terrace of houses are proposed, and the development here would necessitate the loss of six sycamore trees. However, the Council's Arboriculturist concludes that their loss will not

be significant in visual amenity terms given the replacement landscaping. Concern is raised at the possible impact of excavation to form the new garden levels in this area, which should be set aside by Condition for further clarification.

- 4.136 Western boundary - The trees along the western boundary embankment between the tennis courts and Aubrey House are all retained, and protected.
- 4.137 The landscaping proposals have been designed to provide a green boundary to the development, and a green centre to the housing in the form of the "square". Extensive tree and shrub planting is proposed for the site boundaries in addition to the trees anyway retained, with the aim of creating a "green perimeter" to the site as well as a "green centre". This is considered to be satisfactory, and although the appearance of the site may change the proposed planting scheme, combined with the retained trees, is considered to ensure that the site would still provide an important "soft" or "green" element within the Conservation Area.
- 4.138 As some of the planted and grass areas would be on topsoil above the basement car park, an irrigation system is proposed to ensure adequate water for the planting. Where this is private garden space to houses, irrigation systems will be provided individually to each property. Generally, planted areas would be 1500mm deep, although some shrub areas immediately around the terraced houses would be shallower at between 500 to 1000mm. These depths are considered to be satisfactory.
- 4.139 The Arboriculturist recommends that the submitted Tree Protection Method Statement (revision C9/3/99) is in accordance with BS:5837, and it should be imposed as a Condition on any planning permission.

Privacy

- 4.140 The Unitary Development Plan acknowledges that the Borough has the highest residential density in Great Britain, with privacy consequently being a highly valued amenity. It is also acknowledged in the Plan that some loss of privacy as a result of development may be unavoidable. The Plan advises that a distance of about 18 metres between habitable room windows reduces reduction of privacy to a degree acceptable to most people. Policy CD30 is:

"TO REQUIRE DEVELOPMENT TO BE DESIGNED TO ENSURE SUFFICIENT VISUAL PRIVACY OF RESIDENTS AND THE WORKING POPULATION"

- 4.141 The proposed site layout would result in distances of 20m between the eastern terrace of the "square" and the nearest face of Kensington Heights, although at this point only the blank flank wall of the southern terrace would face Kensington Heights, with no habitable rooms facing each other. The nearest point at which habitable rooms face each other along the boundary between the eastern terrace and Kensington Heights would be 22.5m, pulling further apart after that, also divided by new tree planting. There would be a distance of 12.5m between the southern flank of the Campden Hill Road block and the nearest part of the North side of Kensington Heights, although the North flank of Kensington Heights does contain windows to habitable rooms, and balconies. Clearly, an amount of privacy will be lost here. However, given that the principle of redevelopment on the Water Tower House site is accepted, and encouraged in Council documents, it is

considered that the amount of overlooking that would occur would not be of enough significance so as to justify a refusal of planning permission on this ground.

- 4.142 There would be a 16m distance at the closest point between the Aubrey Walk block and the front elevations of nos. 2 to 6 Aubrey Walk, although other parts of the elevation would be at 19m. There would be 12m between the closest part of the western terrace and nos. 18 and 20 Aubrey Walk. In each of these situations, there would be habitable room windows facing each other. Any loss of privacy in these instances would, however, be mitigated to some extent by planting.
- 4.143 Although some loss of privacy must result from the proposed development, as where there is an open aspect at present that would be replaced by buildings containing windows, it is considered that this impact would be of a small enough degree to comply with Policy CD30. This conclusion is particularly the case when the proposed trees for the site boundaries, notably those with Kensington Heights, are taken into account. It is not considered that there would be any degree of privacy loss to nearby property that would justify a refusal of planning permission.

Daylight

- 4.144 Turning to the effect of height and bulk upon daylighting to surrounding sites, new development in these situations should satisfy the requirements of the Council's own Policies, which in turn are based upon the advice presented in the document "Site Layout Planning for Sunlight and Daylight: a Guide to Good Practice", published by the Building Research Establishment in 1991. This is commonly referred to as the "BRE Report".
- 4.145 The applicants have submitted a study based upon the BRE guidance, setting out the likely impact of their proposals upon surrounding property. This Council has commissioned its own consultant to assess the proposals, again based on the BRE guidance, and examine the study submitted by the applicants. "The Guide to Good Practice" recommends that "daylighting of an existing building may be adversely affected" if the vertical sky component at the centre point of a main window is less than 27% and less than 0.8 times (80%) its former value. The Guide states that living rooms, dining rooms and kitchens are important and that, although they are less important, bedrooms should also be analysed.
- 4.146 Policies CD28 and CD29 set out the Council's position on the protection of natural light. Policy CD28 is:

"NORMALLY TO RESIST DEVELOPMENT WHICH SIGNIFICANTLY REDUCES SUNLIGHT OR DAYLIGHT ENJOYED BY EXISTING ADJOINING BUILDINGS AND AMENITY SPACES"

- 4.147 Policy CD29 is:

"NORMALLY TO REQUIRE DEVELOPMENT TO BE DESIGNED TO ENSURE GOOD LIGHT CONDITIONS FOR ITS BUILDINGS AND SPACES"

Aubrey Walk

- 4.148 The effect upon, in particular, nos. 2-6, 8-16, 18, 20, 22, and 24 Aubrey Walk has been assessed. It is concluded that there would be a small reduction in the amount of daylight received by the South facing rooms of properties in Aubrey Walk. The vast majority of windows currently enjoy, and would continue to enjoy, a vertical sky component (VSC) in excess of 27%. Three windows would drop below 27%, but in each of these instances they would retain more than 80% of their former value. The worst case is one ground floor window to no. 24 Aubrey Walk, where the VSC would drop marginally below 27% to 26.49%, and 86.91% of its former value. This is not considered to be of enough significance to present a case for objection in planning terms.

Kensington Heights

- 4.149 As originally submitted, the proposed development would have resulted in the likely loss of sunlight and daylight to a number of properties around the site boundaries, notably to the lower floors of Kensington Heights at the south-eastern corner of the site. The proposals have since been amended, and the deletion of the eastern-most house from the southern side of the "square" has improved the position in relation to the nearest part of Kensington Heights.
- 4.150 Notwithstanding the revisions, Kensington Heights would still be affected in terms of daylight, mainly at first floor level on its northern side, facing the proposed Campden Hill block. It has been calculated that ten windows in this part of Kensington Heights would have their vertical sky component reduced to less than 80% of their former value. Two West facing windows would also receive such a loss.
- 4.151 Two of these windows are to kitchens, the remainder to living rooms or bedrooms. The worst affected room would be the eastmost first floor room on the North elevation, a bedroom, which would receive 58% of its existing daylight. The second most affected is a living/bedroom at first floor level facing the Campden Hill block, which would receive 62.41% of its existing daylight as a result of the proposed development. In both of these cases, the loss of daylight would clearly be material. In the remainder of cases, it is much more marginal and not considered to be of significance.
- 4.152 In one of the worst two cases an existing balcony over-sailing the window to the room artificially reduces the amount of daylight received by the room at present.
- 4.153 Consideration of this material loss of daylight must be taken in the knowledge that the Council's own approved document, the Conservation Area Proposals Statement, encourages the redevelopment of the existing Water Tower House. Any replacement building will take some daylight from Kensington Heights; the extent would depend upon its design, but some impact is considered to be inevitable. To amend the design of the presently proposed Campden Hill block to take account of the objections to its overall massing would probably help reduce the daylight impact upon these rooms, although to amend the design to remove the impact altogether might well compromise the replacement building to the extent that its townscape contribution might also be impaired.
- 4.154 It is recommended that any future proposal for a replacement building for Water Tower House should address this problem and have, at the very least, a reduced impact upon these North facing rooms than the present proposal.

Aubrey House

- 4.155 There would be no impact in either sun or day lighting terms to the building or gardens of Aubrey House, to the West of the site. Thorpe Lodge and the adjacent school buildings to the South would be similarly unaffected.
- 4.156 Applying Policy CD29, it is considered that the likely light levels within the development are sufficient to provide a satisfactory standard of natural lighting to the dwellings.

Sunlight

- 4.157 The Guide advises that the effect of a development on sunlight availability to adjoining buildings should be considered if part of a development falls within 90 degrees of due South of a "main window" of an adjoining building. If the available sunlight hours are both less than the amount given and less than 0.8 times their former value, either over the year or during the winter months, then such a loss would normally be viewed as material.

2-24 Aubrey Walk

- 4.158 The studies into sunlight conclude that there would not be any material loss of sunlight to the properties along Aubrey Walk. In a few cases, a gain in winter sunshine would actually be achieved. In every case these properties would retain the recommended level of sunlight and, therefore, the criteria set by the Guide are met in respect of these properties.

Kensington Heights

- 4.159 There would be no material loss of sunlight to Kensington Heights windows. Some slight reduction in sunlight hours would be noticed from the first floor flats in the West elevation of the block, estimated as a reduction from 19% of annual receivable hours to 17% in the summer months. It is not considered that this effect upon existing hours of sunlight is of enough significance to present grounds for a planning objection.

St. George's Church

- 4.160 The studies have shown that there would be no reduction to the ground floor entrance area to St. George's church.

5.0 STATUTORY AND NON-STATUTORY CONSULTATION

- 5.1 English Heritage have commented in relation to the application for Conservation Area Consent for the demolition of the reservoirs and Water Tower House, in relation to the impact upon the setting of the nearby Listed buildings, and in relation to the form and design of the proposed development and its impact upon the character and appearance of the Conservation Area.
- 5.2 English Heritage raised a number of concerns relating to the proposals as originally submitted, describing the then proposed design as a "loose fitting assemblage of architecture that fails almost entirely to address the urban context in which it is set".
- 5.3 English Heritage concluded that the original submission required amendments to the West block, the central plaza should address Aubrey Walk better, the building line of the Aubrey Walk flats need to be improved, the Water Tower House building needed re-designing, and the relationship of the South terrace to Thorpe Lodge needed re-considering. The subsequent revisions have dealt with all of these points, with the exception of the last one.
- 5.4 English Heritage remain concerned about the impact of the proposal upon the setting of the surrounding Listed buildings, in particular the relationship between the southern terrace and

Thorpe Lodge to the South of the site. They consider that the difference in height of over 10m between the two buildings (which are at a distance of less than 25m at their closest) is an unreasonable exploitation of the change on ground level, and is to the detriment of the setting of Thorpe Lodge.

- 5.5 English Heritage also criticise the frontage treatment suggest the greater use of front garden boundary walls and the omission of vehicle entrance gates altogether, with the use of return walls from the boundary to stitch together the buildings, entrances, and site enclosure.
- 5.6 English Heritage note that considerable improvement has been made to the scheme in revisions, but they request that consideration be given to a further simplification of the plan and elevational treatment of the Aubrey Walk flats.
- 5.7 Sport England (formerly the English Sports Council) were notified of the proposals. They have responded, initially, by drawing the Council's attention to their Planning Policy Statement, which sets out the policies that they will follow in relation to development proposals.
- 5.8 Their primary Policy is "P1", which is:

"The English Sports Council will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of, all or part of a playing field, or land last used as a playing field in an adopted or draft deposit local plan, unless, in the judgement of the English Sports Council, one of the specific circumstances applies"

- 5.9 Five "specific circumstances" are set out. The first refers to an assessment of future needs concluding there would be a surplus of such provision, the second is where the proposed development is purely ancillary to the playing field, the third where the land in question is incapable of forming a playing pitch. The fourth and fifth grounds for exception to Policy P1 are applicable to the proposed development, and are as follows:

where "the playing field or playing fields which would be lost as a result of the proposed development would be replaced by a playing field or playing fields of an equivalent or greater quantity, in a suitable location and subject to equivalent or better management arrangements, prior to the commencement of the development"

and "the proposed development is for an indoor or outdoor sports facility, the provision of which would be of sufficient benefit to the development of the sport so as to outweigh the detriment caused by the loss of the playing field or playing fields"

- 5.10 Both of these grounds for exception are considered to be applicable to the proposed tennis court development, which is to replace the existing courts with much improved facilities.
- 5.11 It is noted that tennis courts are not specifically included within the definitions of "playing field" and "playing pitch".
- 5.12 Sport England do not, therefore, raise any objection to the proposals.

6.0 PUBLIC CONSULTATION

- 6.1 Five hundred and fifteen letters of notification have been sent to neighbouring properties in Aubrey Walk, Aubrey Road, Campden Hill Road, including the residential block of Kensington Heights.
- 6.2 Three hundred and eighty four objections have been received relating to the proposals as originally submitted. Eighty five further objections have been received following the revision of the proposals. Objections are still being received, and this number will be updated verbally at Committee.
- 6.3 In support of the objections, opinion has been submitted from Counsel.
- 6.4 Objections have been received from Councillor Freeman, Councillor Buckmaster, and Councillor Levitt, who object in particular to the principle of loss of open space, the scale of the proposed development, failure to provide social housing, and likely traffic generation. Councillor Buckmaster takes exception to the use of the phrase "brownfield site" to justify the application, and comments that such a description would not hint at the true context of the site, "an attractive leisure area on top of a reservoir, which for decades has provided a much appreciated open space in this densely populated part of London" Councillor Buckmaster concludes that the proposal "flies in the face of so many of the Borough's policies, with no countervailing national interest to consider. In this case the advantages would all go to the developers and the disadvantages to the Community"
- 6.5 Councillor Levitt observes that some degree of development would be inevitable, and that the redevelopment of Water Tower House would be welcome. He objects, primarily, on the ground that the proposal would be overdevelopment of the site as a whole, especially with the proposed vehicular access to Aubrey Walk. He also objects to the likely impairment of the setting of Aubrey House and the row of houses and church along Aubrey Walk, and the reduction of open space on the site which would be contrary to UDP policy.
- 6.6 Objections have been received from the Kensington Society, the Campden Hill Residents' Association, and the Kensington Court Residents' Association.
- 6.7 The Campden Hill Residents' Association have objected on a number of grounds, notably the intensity of development in a Conservation Area, the loss of open space, impact upon Aubrey Walk, overdevelopment and scale and bulk of the proposed houses and flats, aggravation of the present difficulties in Aubrey Walk with traffic and parking, the possibility of a 24hr club becoming reality, the conflict with the objective of improving air quality, and the fact that the proposal would provide locked gates can only be regarded as a mockery of the public open space envisaged in the UDP.
- 6.8 The Kensington Society object to the intensity of the development in a Conservation Area, the fact that UDP Policies are unsatisfied, the likely traffic problems and the cumulative effect of a redevelopment of this site together with the King's College site on Campden Hill Road.

- 6.9 The Kensington Court Residents' Association stress the need to retain open spaces, especially green spaces, and point out that although not in the Association's local area the problems being faced by Campden Hill Residents today will be someone else's case tomorrow, if open space is allowed to be threatened in this way.
- 6.10 Objections submitted on behalf of residents of nos. 2-16 Aubrey Walk cover the following grounds: demolition being a commercial expedient, not a legal requirement; over-development resulting in the destruction of an area of Kensington enjoying rustic qualities and harming the character and appearance of the Conservation Area, and absence of policy support for the proposals.
- 6.11 "Guided Walks in London" have objected on the grounds that a development on the scale proposed, no matter how well designed, must have an adverse impact upon the "village" feel of the area and "destroy the unique character of this tranquil backwater".
- 6.12 The large number of individual objections include some or all of the concerns raised by the Ward Councillors and the Associations mentioned above. The most common grounds of objection are that the proposed development is (a) too great in scale and density for this site, (b) would result in the loss of valuable open space on the site, (c) would cause a significant increase in traffic levels, and parking pressure, in the area, (d) would reduce daylight and sunlight to neighbouring properties, (e) overdevelopment, (f) the effect of these would be a marked and harmful transformation of a pleasant, attractive, backwater into a densely developed, and busy, local environment, (g) loss of trees, and (h) construction noise. Other objections relate to (i) an example of developers seeking to maximise profit at the cost of harming the character, and amenity, of the locality, (j) the removal of buildings of historic interest, and (k) impact upon neighbouring property from floodlighting and noise.
- 6.13 Many of the grounds of objection echo concerns already set out in this report, and these concerns are strongly supported by relevant Council policies. Many of these concerns are reflected in the recommended reasons for refusal. In terms of the other concerns raised, the following comments are relevant.
- 6.14 (c) Traffic levels and parking pressure - Many objectors have stressed their concern that traffic levels in surrounding streets, Aubrey Walk in particular, would become intolerable if the proposed development were to go ahead. It is pointed out that the existing site attracts relatively little traffic, and yet it still puts further pressure upon parking spaces locally.
- 6.15 The studies carried out into likely traffic generation all reach the same conclusion; that the proposed development would not generate any significant traffic levels within Aubrey Walk or other local streets. As discussed in the main text of the report, it is considered that the change in the pattern of traffic activity may have an amenity impact, but in terms of overall vehicular numbers the redevelopment for tennis club and housing does not present grounds for a planning objection.
- 6.16 (g) loss of trees - As described in the main text of the report, although some trees would be lost it is considered that the fact that all the most important trees on the site would be protected and retained, and the fact that significant replacement planting is on offer, together lead to the conclusion that the loss of individual trees would not be a sustainable ground for objection (It should be noted that this comment relates to individual trees, not the overall planting of the embankments of the site)
- 6.17 (h) construction noise/disturbance - this is a matter controlled under the Control of Pollution Act, and is not a material planning consideration.

- 6.18 (i) Profit motive - This is not a relevant planning consideration
- 6.19 (j) Removal of buildings of historic interest - The reservoir buildings are of importance because they provide open space, but they are not of any intrinsic architectural or historic importance. They benefit from a Certificate of Immunity from Listing.
- 6.20 (k) Floodlighting and noise - The same number of floodlit courts is proposed as existing (four). The difference is that whereas the existing floodlighting is not subject to controls imposed by planning Conditions, if the proposed development were granted then controls could be attached to limit the hours of operation, ensure no spread of light, and so on. One objection has been submitted on behalf of the owners of Aubrey House, setting out concerns that the proposed location of four floodlit tennis courts close to Aubrey House could result in disturbance to Aubrey House by virtue of light spillage, and increased evening noise.
- 6.21 It is not considered that this concern would provide a reason for refusal. There are four, floodlit, courts existing, without any control whatsoever regarding light spillage, or hours of operation. In the event of planning permission being granted, the opportunity would then exist to impose controls, by Condition, upon the light fittings and their hours of operation, that would provide much greater control than existing, and much greater protection for the amenity of adjacent property.

Letters of support

- 6.22 62 letters of support have been received. All of these letters, with two exceptions, have been sent by members of the Campden Hill Lawn Tennis Club. The two exceptions are residents of Campden Hill Gardens and Ledbury Mews West. Unfortunately, the supporters who have written in on the tennis club's headed notepaper have not revealed whether they are residents of nearby streets who might themselves be affected by the proposals, or whether they live further afield. The standard wording of the letters of support hold the simple statement: "I am a Member of the Campden Hill Lawn Tennis Club and would like to register my support for the above planning application made on behalf of Thames Water, which includes housing and twelve [now 13] tennis courts"
- 6.23 A letter of support has been submitted by the Chairman of the Lawn Tennis Club. He confirms that it is the intention of the Club that the existing style and organisation of the club should be retained as far as possible. He explains that they hope to attract more interest from Holland Park School and to arrange direct access on the South side from the school. He explains that the club building will look just the same from the outside, and the open courts would look the same. He views the new sports facility, which would be enabled financially by the housing development to the East, to be an asset for the community. He confirms that the Club already restrict parking in Aubrey Walk, and that there is a street map at the entrance to the club which shows where members can and cannot park.

Revised Proposals

- 6.24 The revisions submitted to the original application, TP/98/2126, are the basis for the later application PP/99/0733; these proposals are now identical.
- 6.25 Following the receipt of revisions to the proposals, which re-worked the Campden Hill Road block, reworked the central open space, adjusted the building lines, and removed one house, a further notification was sent to all existing objectors.
- 6.26 Eighty-five further objections have been received specifically commenting upon the revisions. A number of these comment that some improvement has been made, however, all of these

further objections conclude that the revisions do not go far enough and fail to address the fundamental objection to the whole scheme, which is that the site should remain open space.

- 6.27 Councillor Buckmaster summarises the revised scheme as one which “in no way alters my previous objections, as none of the unacceptable features have been properly addressed.”
- 6.28 Councillor Buckmaster re-stresses the relevance of the draft PPG3 (annex B), where it excludes from its definition of “previously developed land” sites that have blended into the local landscape over time (quoted in para. 4.26 of this report). He stresses the need to retain the continuous line of open space that runs from the reservoir site through Aubrey House garden, and on to Holland Park.
- 6.29 Councillor Buckmaster points out that the Council has adopted a sequential procedure to be applied for affordable housing on developments of this size. But that the applicant’s proposals for a “cascade approach” completely fail to satisfy the Council’s recently agreed policy.
- 6.30 Councillor Buckmaster comments that the submitted Traffic Impact Analysis is flawed in its approach, and was taken at a time when , during the school holidays, traffic problems are at a minimum.
- 6.31 Councillor Buckmaster also raises the matter of Environmental Assessment, and is concerned that any decision on “what is one of the largest development applications” in this Borough could give grounds for subsequent review if taken without an environmental assessment.
- 6.32 Councillor Freeman notes than none of the fundamental problems with the original proposals have been addressed in the revisions.
- 6.33 He re-affirms his grounds of objection as being:
- (1) The density of the scheme
 - (2) The height of the buildings
 - (3) The generation of additional traffic
 - (4) The lack of an environmental impact assessment
 - (5) The unsuitable siting of the buildings in relation to Listed buildings (PPG15)
 - (6) The loss of open space (PPG17)
 - (7) The failure to provide affordable housing on site (Circular 6/98)
- 6.34 The Kensington Court Residents’ Association conclude that “the revised plans offer little real improvement over the previous ones”. They re-affirm their general objection to the scheme, which is “excessive in bulk and density, and which deprives the area of an important space (whether brown or green is immaterial) and threatens local amenity”. The Association recommends that “a central open space should at least be left, by eliminating a substantial part of the development. The bulk and density should also be reduced, particularly the height of the block of flats”.
- 6.35 The Victoria Road Residents’ Association comment that “although there may have been one or two minor modifications, the proposal is still grossly excessive for this important site”.
- 6.36 In general, the conclusions drawn by objectors on the revised scheme are that the revisions are only minor, and seem to have ignored the main points of objection raised by residents. The deletion of the house from the southern terrace, the re-orientation of the buildings to Aubrey Walk, and the amendments to the Campden Hill block are generally seen as improvements, but they do nothing to address the fundamental objection to the loss of the existing open space on

the site. One objector wishes it made plain to any prospective applicant that any further application for the site would be refused if it fails to respect the listed open space of the existing tennis courts and the contribution that the open character and appearance of Aubrey Walk, its trees and its vegetation, make to the Conservation Area.

7.0 CONCLUSIONS

- 7.1 The following conclusions are drawn:
- 7.2 There is no objection to the principle of demolishing Water Tower House, as long as an acceptable scheme for its replacement is being presented.
- 7.3 The reservoirs, and their embankments, contain open space and attractive planting, and provide a positive and important contribution to the character and appearance of this part of the Kensington Conservation Area. There is an objection to their demolition and redevelopment where such redevelopment would result in a reduced contribution by the site to the character and appearance of the Conservation Area.
- 7.4 Notwithstanding the fact that the site is in fact largely covered by large buildings, the site does offer the general appearance of open space. A significant reduction in open space would present planning objections. The proposed reduction of open space on the site by a percentage of approximately 30% would be sufficient to present a ground for objection.
- 7.5 The site also provides a very important local recreational facility, and any reduction in this provision would also lead to a planning objection. There would be no loss of recreational space; if anything, there would be an enhancement of the facilities on this site.
- 7.6 The present use of the site for reservoirs is now redundant. Given the location of the site in a predominantly residential area, housing must be seen, in principle, as an acceptable land use for the site.
- 7.7 There is support in the Council's planning Policies and in regional guidance for the provision of housing, including affordable housing, upon suitable sites that become available. Provision of seventeen units on this site is welcomed; however, the mechanism by which the applicants seek to address the Council's policies, and Circular 6/98, is not considered likely to provide affordable housing on site. As such, the proposal does not satisfy the Council's objectives for affordable housing.
- 7.8 The overall site layout, scale and form of buildings, provides for a fairly densely developed site, and it is concluded that this factor manifests itself by way of an overly bulky Campden Hill Road block as well as harmful impact upon the setting of Listed Thorpe Lodge and St. George's church.
- 7.9 Again a result of the scale of development on the site, there would be a harmful impact upon the levels of amenity currently enjoyed by occupants of surrounding residential property, particularly by way of reduced daylight, and increased sense of enclosure.
- 7.10 Whilst it appears that the likely generation of vehicular movements would not be such that would lead to objections relating to on-street traffic volumes, it is concluded that the additional activity at times that are currently relatively very quiet, such as in the winter, would disrupt the existing "balance" between residential amenity and the use of the site. The intensification of use

of the site would lead to a material reduction in the levels of amenity currently enjoyed by those who live near the site.

- 7.11 It is concluded that the proposed vehicular and pedestrian gates are unwelcome, and would create a "gated" development that would offer little to the surrounding residential community and fail to provide an amenity that would be enjoyed as a contribution to the character or appearance of the Conservation Area.
- 7.12 It is concluded that the design detail of the proposals would generally be acceptable, but that great care would need to be taken in approving the relevant facing materials.
- 7.13 It is concluded that, given appropriate controls imposed by Condition, that the matters of floodlighting, landscaping, tree protection, refuse and site servicing would be acceptable.
- 7.14 The contribution that the site can make towards the Borough's housing targets must be weighed against the loss of 30% of the open space upon the site, and the other concerns set out above.
- 7.15 It is concluded that the proposed development would result in sufficient conflict with planning Policies, and cause sufficient harm to the character and appearance of this part of the Kensington Conservation Area, such that the benefit provided by the provision of new housing would be outweighed.
- 7.16 Therefore, it is concluded that planning permission and conservation area consent should be refused for the proposals as they stand.

M.J. FRENCH
EXECUTIVE DIRECTOR, PLANNING AND CONSERVATION

List of Background Papers:

The contents of files TP/98/2126, TP/98/2127, TP/98/2129 and PP/99/00733 save for exempt or confidential information in accordance with the Local Government (Access to Information) Act 1985.

Report Prepared By: MJF
Report Approved By: LAWJ
Date Report Approved: 01/06/1999

PSC:99:06:Rep.MJF

PLANNING APPLICATION

REVISED DRAWING SUBMISSION – MARCH 1999

TP/98/2126/A



R.B.K. & C.
TOWN PLANNING
22 MAR 1999
RECEIVED

**The Redevelopment of Water Tower House
and the Redundant Reservoirs**

