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FILE No. TP/99/0733

JAN. FEB. MCH. APL. MAY. JUNE JUL. AUG. SEPT. OCT. NOV. DEC

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# Further Density calculations

## Overall

<u>Area</u>	<u>Habitable Rooms</u>	<u>Density</u>
11041.67 sq.m	378	34.2 hrh.

## Campden Hill Road

1,836 sq.m	96	520 hrh.
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## Aubrey Walk Block

1,568 sq.m	51	325 hrh.
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## "Square"

7,560 sq.m	<del>220</del>	291 <del>140</del> hrh.
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Typical Aubrey Walk density (no.s 2-6)

# DT's notes - Public Inquiry

20/7/99      Day One

Anthony Lund - not present?

Robert Price of Kensington Society - to produce evidence asap

Anticipate - 3 days for appellants case  
1/2 for Council case  
1/2 for third parties

Insp - main issue effect on CA and setting of CB's and provision of affordable hsg.  
- issues of substance are amenity, traffic, parking.

Affordable hsg. elevated to main issue

Two rebuttal statements from K+C awaited.....

Opening submissions from J. Clarkson

- summarised the application etc

"Appellants have proposed, and do propose, to put affordable housing upon the site in the Abbey Walk flats"

"To seek" policy is not a refuse policy [!]

17 units, affordable occupied by Hsg. Assoc., built by St. James, service charge subsidised to £250, 100% TCI, with the Council given 12 months to nominate a social landlord.

"Cascade" approach necessary in case, by force majeure or whatever unforeseen recalcitrance that agreement is not forthcoming in 12 mths.

Bob Sellwood

Evidence in chief

Components of s.106/affordable have been agreed in the main.

Service charge has been misunderstood by Council Circular 1/97 doesn't look favourably on subsidy payments [?]

Appellants say "on site - Cascade" - Council are unreasonable in effectively putting St. James at the mercy of 3rd parties

In summary the scheme that we now have before us is considerably better in many respects than the original submission in Nov 1998. My clients are grateful

## Cross-examination of Bob Sellwood

Landscaping - management company

No idea who the co. will be. Co. will cover the service roads, car parking, landscaping.

Security one consideration. Will be a 'concierge'

EH and Council objected to the gates - developer accepts Condition 15, and accept that it meets the tests in the Circular

It could happen that, in the future, application may be made to remove this condition in order to enhance security

CDS1 - common Policy fund throughout the country. Certainly applies to the appeal site.

The pump room and offices are surplus to requirements. No evidence that the depot use would now return from Cricklewood. If the appeal is turned down Thames W. will find some short term use for the bldg. on the site.

No real likelihood of offices in WTH being taken up for anything other than short term use. This site [WTH] will be redeveloped at some point.

Accept that it is necessary to cap the simple charge to £250 to avoid a reason for refusal based in Circular 6/98. And that has to go into a 106

UDP Policies not out of date

letter Jan '98 - makes open space clear as a most important consideration.

Balance is important - the key to the whole site

Tennis club - failure to replace these courts would be likely to lead to a reason for refusal. Very difficult to overturn an appeal on the courts

To terminate the tennis club then Policy CR1 comes into play

CR1 has no impact upon a management decision by Thames Water.

Not saying that housing is an acceptable land use for the whole of the site

Water rate office - surely it would need to be a matter for conditions to tie down the use of the office?

Unusual for 75% of Boro to be designated CA

Can't see anywhere in the area that isn't a high quality residential environment.

Nowhere, in any Policy document/UDP, is there a statement that housing objectives take precedence over conservation of the environment

3.7 of UDP - Plan doesn't say private open space is any less valuable than private OS

Attach less weight to this open space because (1) the surface is raised 4m (2) the surface is artificial (3) no views from street level (4) lack of public access.

From Arbrey Walk, the artificial surface cannot be appreciated

Sense of what is there is Mr Thomas' evidence

It will not be possible to appreciate the tennis courts, Arbrey House, Holland Park

View over tennis courts with its wire fences, little huts and things is not a great feature(!)

Open space calculations include the tennis courts. But the tennis courts themselves don't contribute to the perception from street level.

[to agree with 57% open space without tennis courts]

Adjourn at 3:00 for Site Visit into reservoirs, homes, including King's College site

Day Two      21/7/99

David Holgate continues to examine B. Sellwood

Open space survey - agreed publicly

- definitions of public/private/limited access

Affordable housing policy for UDP draft  
"for the purposes of this appeal we're perfectly happy with it"

Layout - BS points (damn!) to para. 4.63 of the Committee Report - "para. goes towards suggesting that a greater part of the site should be developed rather than just WITH

Urban parks/cemeteries excluded from OSS

Hereward Phillips

- accept there would be a loss of open air recreation space

Re-examination

4.3 in CTD Chapter "High quality environment" no -  
"site very much an anomaly in immediate area"

CD21 - site only makes "a very limited" contribution to character & appearance of CA



Is appeal site similar to other open spaces marked at in pre-amble to CDZ1 - "not of the same league"

Back on to 4.63 again! And linked to Schedule 100 [amph!] - "report accepted in its entirety by the PS Committee - impossible to provide the description in 4.63 without encroaching on the tennis courts, and losing open space"

## Inspector

- What views on NHHT proposal for removing link with the possibly expensive underground car park? "bemused", "conflicted with many established principles in the scheme" with surface parking, additional point of access, and design considerably disrupted the elevational treatment to A. Walk block
- TCI reduced to 100% - cascade approach leads us on to a Cash Option. Is it 22 units and a figure of just less than £1m? Where figure comes from? "based on 552 Kings Road, where £47,500 per unit was accepted" also "spoke to Officers at Westminster where they have a fixed figure of £49k per unit"
- How does £47k relate to land values in their millions? "100% TCI would be about 100k, so add on 50k and you're near the bottom end of £180,000"

• Views and PPG9 — What's your view as to how important are views from Kensington Heights?

"adverse effect on CA must be a relevant consideration. Res. of Kensington Heights have long distance views at present — tennis courts incidental in these views — residents will have views reduced — only a Reason for R. If residents had their standards of amenity reduced below what would be reasonable in Central London.

— DA correct for use actually over 1m 22 x 47.5k

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Mr Crossley

Hasn't seen the letter from EH of 28<sup>th</sup> April (Copies distributed) — can't comment. Did not respond specifically to para. 5.9 in Cmtr Report, although that para. does summarise EA letter.

The viewpoint D in photomontages questioned — Inspector to check on site

How can setting of CB be enhanced, as you claim?

Is the tennis club a suitable neighbour for Aubrey House? "different relationship" — "denser bank of veg. near Aubrey House; more separated"

Appeals - our responsibility as good architects to respect setting of listed buildings; it might be different if Thrope Lodge was not already harmed by surrounding buildings

## Open Space

13.5 private views not of significance?

Disagree with para. 5.12 of UDP

"private views are one of a number of issues that must be taken into account". Excludes totally views from private property as being relevant to character of CA. [clearly disagrees with Birmingham Club appeal decision]

## H11

It does comply with (a) - 40 out of 67 units are to be 2 bed units

(b) no evidence to rely on (b) in this case to justify the very high density being proposed

(c) Is this an "infill" scheme? A "gap" scheme? "Yes"

What do you rely upon to justify your density? - Council's own analysis (CRPS) says it's "very high density"

Don't claim that the proposed square is comparable to the much bigger, special (!) space of Camden Hill Square. "My space is a good space" [oh please!]  
"I believe it's appropriate to the scale + character of the C Area"

Third Day 22/7/99

David Holgate continues with Mr Crossley

Room sizes - agree "large" - "good living rooms"

11A shows large room sizes. 3.2m are tall storey heights

Density doesn't take into account hab room sizes

Cambill Rd block is the most dense

1/2 across the access road to the site

520 or thereabouts for CH Rd block } approximate  
325 for Cambill Road block } !!  
291 for the square }

\* [need to check these figures with appellants]

\* underground car park wasn't included in 342 h/m density calculation

Mr Crossley agrees that if the site is split like that, then CHR would be the highest

Agree compromise should be struck, and should be struck with a greater emphasis on Abbey Walk

large shadow over Abbey Walk - no other indication of comparison between Church & WPA

Floodlights — anyway reserved by  
Condition — the existing 4 floodlit carts  
would be replaced by 4 much nearer to  
Abbey House — agrees not an expert on  
floodlighting

Character of the AW block is "different to Abbey etc"

## Inspector

Appendix C from Mr Crossley's Proof?

- Inspector doesn't have it, and "anyway expected landscaping to be a reserved matter" — C is indicative only

- Planting in the square

- By illustrative planting, how appropriate is the planting in the rather narrow/shallow gardens in the eastern terrace?

Agrees that the planting behind the houses of the East terrace is tight — "realistic to assume that the contribution of landscaping there should not be over-emphasised" [!]

- 5 gingkos on Campden Hill Road — how practical is their removal + replacement?

- Car parking — residents shouldn't park at ground level, but how to stop people "

parking on ground level?

A - addition of bollards/gravel to create demarcation and deterrence. Also, can have management controls/restrictions

- basement car-parking → 2 cars per house in garages

- "looking at the photomontage D, I'm not convinced that this is right" - appellants will check this and the programme - how to verify?

- setting of Thorpe Lodge - what's your view of the CPA's general duty to preserve the setting?

A - preserve doesn't mean not alter in any way; it means "not harm"

- building contract - phased or what?

A - Is in place a detailed analysis + methodology of how it would take place - a continual programme of work commencing with ① demo ② terraces ③ square ④ flats

DH tree protection for outside the site - must observe relevant guidelines - no implications for Conditions

Mr Thomas

Photo montage - location diagram now handed out.

Some with 50mm, some with 18mm (v. wide!)

Why so much variation here? 50 vs 18 in opposite directions? [rambling answer]

Viewpoint D looks at southern part of KCH.

About 85m between point of the shot and Kensington Heights. Flat roof at 58.60 from datum - base of the sloping wall at 55.57m

Q|| So... top of parapet at 52m can't be correctly shown, can it? must appear higher than this if properly shown!

Thorp Lodge not in 'near setting' because not in public realm

"far setting" includes the whole "spine" of Cam. Hill Road and Camden Hill Square

- South terrace vs Thorp Lodge - issue of scale, in that location, relative to Thorp Lodge
- Water Tower House - " " [as above]
- Open space vs. built "square" issue -
- all near setting factors

Apreece - cannot overcome local 'near setting' issues by looking at the far setting - far setting is subsidiary to near setting

But if near setting excludes the site - how can structures on site, obscured from the public realm, be relevant?

Can hear the sound of tennis - even if not seen, it's an element in the character of area

Thorpe Lodge of particular historic interest because it's the last of the early buildings in that location. Setting should at the least be preserved, and not harmed, Wycombe Lodge long gone.

Thorpe Lodge has been affected (12.11) by Airie Gardens - so close. The bulk of Kensington Heights is alien (!) to the original setting of Thorpe Lodge. So how can KH damage Thorpe Lodge at a distance of 85m, when the appeals scheme (according to ST) doesn't?

"Square" - 12.17 - Mr Crossley said "no comparison valid with City Square; he preferred Tor Gardens (!)"

"Great danger" in comparing the dimensions of squares by just looking at width/length/height but agreed that CH Sq is a much more generously proportioned than appeal 'square'



size of square - would you see it any smaller or is it the minimum acceptable → "good, caring architect - he'd start again"

Accepts that a replacement for WT House must be acceptable on its own merits. Agree must relate to CH Rd, CH Gdns, Aubrey Walk

With exception of spire, the alts. to St. George's have not affected its main public elevation - the elevation the setting of which will be affected by the proposals "yes, absolutely"

Anything else in area as important a landmark?  
"no"

Does it follow that any development should leave the church as the landmark "not necessarily - there were other landmarks (The Water Tower, please see horse) The tower is "a bit lonely" on its own

8.3.5 just concentrates on height - but there must be other factors

7.3.5 refers to tall buildings in CH Rd, but why do you and the appellants repeatedly consider CH Rd but not consider the buildings in Aubrey Walk

Doesn't accept that WT H's bldg is a development in relation to St. George's church

## Fourth Day

Hereward Philpott continues to examine R.G. Thomas (9.30 until 10.10)

10.10 - re-examination by Clarkson

Courds squares vary widely in all their proportions, and in the size of buildings around them. A square gives dignity to the houses around it. Many are traffic free - this gives great <sup>not</sup> benefits to the houses of the square.

10.45 - Mr Ney

Reads out his summary

2 flats in Kers A, where effects more acute - [Insp. "which flats are they" ?]

The 80% approach / 27% USC approach

"They reckon that if there is a change that diminishes light by less than 80% then the effects are unlikely to be perceived as adverse" [but it doesn't say that - it says 20% or more is likely to be material]

Mrs Mueller's flat (no. 46) won't receive any loss of daylight

16 Aubrey Walk, for e.g. will actually gain in sunshine penetration

## David Holgate Cross-examining

Data agreed — Interpretation is not

No specific reasons for refusal on daylight or sunlight — but the 2<sup>nd</sup> R for R is based on the overdevelopment of the site

2-6 some loss, but criterion not infringed

8-16 some improvement

18-24 some loss, but criterion not infringed

Thorp Lodge — some loss (can Mr Ney calculate?)  
Ken Heights West

5.11

(At least) 8 flats in K17 will suffer a loss of light in West elevation

## Committee Report —

Paras 150 + 151 — accepted the details of this.

Also accepts that in the worst two cases "the loss would be considered material" "by the occupants"

Accepts para 152.

## Interpretation

Accept a material adverse effect in the case<sup>18</sup>

of proposed two. CH Rd block causes these adverse effects.

Follows the square etc are not germane to this issue.

What causes the effect - ~~K~~+C (App. 14)

Reason why daylight being reduced, is the 5<sup>th</sup> stories to CH Rd block (not 6<sup>th</sup>) and that building is closer to trees. Heights

To reduce the impact of daylight what changes would need to be made? "Share the shoulders all a bit, and all the top?" Appellants say that such changes would be a dis-benefit."

Mr Ney to

12.30 pm Friday 23<sup>rd</sup> (4<sup>th</sup> Day)

Mr Parry of TPK opening

Refers to no.s 25 to 32 of Agreed Positions

Figures are, of course, judgement on both sides  
These are common ground.

Para. 28 aimed at encompassing all opportunities

33/34 agreed

DH examines Parry

Para. 28 does not contain a statement as to the likelihood of the uses taking place again in the future

Clarkson

"Is it the Council's case that the re-use of the buildings for Offices is unlikely to take place"

DH

Courts made it clear that a fallback argument is a relevant consideration if they can demonstrate that there is a real likelihood of the use recommencing" | |

[didn't get all this down - various exchanges!]

[all p. 28 does is agree figures for the existing site. It does not agree the likelihood of such use taking place, or another use taking place, in the future...!]

Clarkson objecting to questions relating to the agreed points. Weather question objected to — Inspector allowed to continue in "short-circuited" form. ~~DT~~ not seeking to move from, or examine on, the agreed points, purely to "establish the background for Inspector's benefit"

### Parking issues

— when surveys carried out? [ans. 4]  
When car park considered 10% (or other) margins allowed for cars to search for spaces — make space —  
Ans — yes, in retail depts it's common practice

Doesn't agree that club members will choose to park as close as possible (!)

### Weds. survey Campden Hill Rd

Typically the parking survey shows 2 cars parked illegally throughout the day — tables

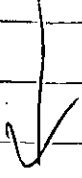
Agrees difficult to park — agrees that club members will know it's difficult to park and so "may park further away"

Insp — clarifying res parking over whole bar!

Day 5 - Tues 27<sup>th</sup> July

Committee's Case

Commenced - submissions from DA advise their Undertaking



Steve Rawlings

NHHT's "Alternative" scheme - not approved by any Committee

DA re-examining

Would a cap to £250 be 'affordable'?

Inspector

150,000 per unit - how does that relate to the market?

A - in K+C only enough for a very few locations in the Borough - also few sites in K+C

Phil

Shut into a summary → Patrick Clarkson

Agreement - housing site, previously developed land  
Sustainable location for housing

UDP —

Sites increasingly hard to identify as part of the planning process.

A - Provision to increase in line with guidance  
Urgency and priority — overall aims to  
maintain + enhance residential function of the  
Boro'

Q11 RPG3 — "doesn't it recommend "maximum"  
not minimum? UDP says "maximise"

A - In principle we should be looking to  
maximise housing where appropriate and  
notwithstanding relevant policies

A - Density policies — lower case approach to  
reduce density provides the context to  
assess proposals

A - H11 — normally to resist policies

Q11 If the Borough seeks lower density, isn't  
that against emerging Policy? A - "figures  
in UDP reflect / compatible advice within RPG"

Lower density only compares with existing  
high density Victorian dev.

Q11 If room sizes are smaller won't density be  
higher? Contrary to UDP? A - unit size  
looked at



Q11 Many areas blps undensed/obsolete  
A - redundant reservoir site

Q11 "Over 50 d/h may be appropriate here" as said in RFG3, isn't it?  
A - can't comment from my knowledge of site

Q11 Inner areas of major cities > 50 d/h may be appropriate.

Q11 Is there a maximum?  
A - no there's not

Q11 P90 UDP - How much weight?  
A - very important a lot of weight

Q11 Sequential (Cascade) approach? On site, all site, payment in lieu "yes"

Q11 May be circumstances where AH might not be provided on site? "Such as what?" such as loss of grant A - an extreme scenario in my view.

Q11 developer is saying "you can have afford H but here you have the opportunity to cascade it" Otherwise, this site could be sterilised due to a recalcitrant party [developer?] Does the Council want sterilisation of the site if that means no housing? "no"

Q11 The cascade approach not dissimilar to C6/98 - strong preference for an site <sup>on</sup>

provision A" - yes - reflects"

A - Developer accepts the Council's policy approach to provision of affordable housing.

Q - emerging Policy - Sellwood appendix 23 p. 282 -> Schedule - has schedule been refined more than that?

A - LTR periodically updated - Schedule

Q - Schedule doesn't confine debate to WTHave

A - balance on site to be decided by a planning application

Q - "Do we have any statement from the Council as to the components of the scheme  
① under ~~the~~ emerging Policy ② what would be acceptable in the scheme as discussed in Committee Report A" - "don't think so"

Q - what would be acceptable? what authority do you have to give an opinion on this?  
"DMCC will be able to help in this"

Q - your opinion? A - "opinion of me, Mr Mc and other Council Officers"

Q - Officers involved in discussions with dev's for many months - other Officers commenting with Mr French in January 1998. Did Mr French write the report? "No"

A - discussed with Mr McCay and Mr Taylor  
Q11 No Consult analysis of what would be acceptable? No analysis limiting dev. to WT hose "no"

Q11 Rebuttal - page 18 of main Pool  
£47,500 "not acceptable gap funding"?  
A - "can't comment on drafting of that figure"

Q11 Westminster's £46,000 A - "can't comment"  
A - no evidence on this figure

Q11 Acceptable at 552 because of extant PP  
there. No other figure to suggest

Mr Morgan - matters of recreational Policy  
will be for Mr McCay

## DH - Reexamination

No dev. brief? No consultation yet on  
draft changes? How can the CPA say what  
would be acceptable? No officer could say  
this either, could they? not even Mr  
French

£47,500 refers to gap funding between T Cost  
and the SHG. Varies quite widely from  
site to site - the grant is uniform although  
cost per unit is not

Suitability of proposed scheme must comply<sup>ab</sup>

with a range of considerations

Current position not to accept "unduly low density"

First round of [stability] consultation took place in May/June this year - Council aware of draft RPF by then

Density policies - lower density at para 3.11 of UDP Chapter. No change proposed to this

Next UDP stage to formally Deposit. AIB approved by Committee. 14/7/99 again to be ratified for Deposit. There is now a version of the [revised] UDP ready to be placed on Deposit

Appendix 7 not changed between draft-Deposit

RPF 4.8/4.9 → demonstrate that it has had regard to subject to high quality environment. Gov't don't suggest a maximum figure. Current UDP contains very strong design + Cons policies. UDP page 16 para 4.3 paramount.

4.3 not changed in revised version, just re-numbered as 6.3.....

## Inspector to Phil

Stahlyng Consultation - have GOL responded? "A - No response at all - very disappointed that they didn't respond"

Draft UDP going on Deposit early August

debate on program condition for later

Daylight - letter from Sandra Cairns handed out - not yet to Inspector

Dennis

Brief into - Summary taken as read - deny - paraphrase of H11/H12 in para. 4.55 of Committee Report, and 4.59, are "fundamentally mistaken" [Dennis!]

To deal with questions relating to what might be acceptable on site

re working Cambill Rd block - [struggles to describe] - P Clarkson now doesn't understand - no drawing available as can't redesign the appellants scheme - show P Clarkson

- ① Take out 4<sup>th</sup> storey (lose 5 flats)
- ② " " 1 flat per floor (lose 4 flats)

∴ WT House site accommodates 20 units (not 29)

- ③ An U shaped Abbey Walk block could

provide 23 units there —

④ Get 43 units in total on site, giving a net on-site increase of 31 units.

⑤ Net on-site units would allow 10 affordable housing units

— ~~If~~ part of the tennis court area was to be developed at all ..... ? Only a sensitivity analysis

⑥ If western terrace alone developed, then 9 units there could be provided — allow a net increase of 6 allowing for 2 more affordables

⑦ With a modified East and West terrace (but losing southern terrace) then there would be a net increase of 13 (4 aff.)  
i.e. 14 affordable units in total taking into account re-worked CHR and AW blocks, and deleting southern terrace of scheme

— What implication of tennis club wanting 250 people on the premises → "greater activity/other activity" [ "fud" from Morgan, shaking head ]

# Questions for Denis from Clarkson

Q11 Is that the first time you've designed a scheme in Kensington? A - ~~yes~~ it's not a design

Q12 Is there a drawing? A - no

Q13 PPG1 - discussion encouraged at all stages. A lot of discussion in the history of this scheme, with both Officers and public, (even a public exhibition). Have appellants been at fault in their "discussions"? A - No

Q14 Is the product of that discussion not of considerable weight? Are not the requests of Officers in discussion a material consideration? A - yes

Q15 MDF's reference to "political considerations" [meeting 25/2/99]. Members, what go.

Q16 What was the reason for being instructed? A - to present the Council's case (?) [eh?]. Where is the letter to you? Who wanted you to oppose this? A - short discussion, short letter, confirming instructions. No minute of those discussions. Q17 Instructions to Denis at end of April [yes - because we had to prepare a case for Appeal even if the Council had not yet taken their formal decision]

MDF had to prepare for the Inquiry

Q|| Any written appraisal from DMCC

- Only in Proof.

Q|| Had you been inside Reservoir or Thorpe Lodge  
- no. Or Kensington Heights - no. Or  
A. Walk - not until visit with Inspector

Q|| What preparation for the case? A - mtgs. and  
phone calls. Q|| Did you write any of the  
Report? A - no, comments only

Q|| Discussed the C. Rep. with Officers - Mr Taylor  
wrote most of it... But no detailed  
analysis

Fixed input into the design - look at notes of  
meeting from 23<sup>rd</sup> December 1998

Q|| Is it, in your opinion, a good idea to place  
a modern building on this corner?  
A - A contemporary style more suitable

Q|| DT/SP happy with CHAR block - "broadly, yes"

Q|| What is "high political level"? - come back to  
this

Q|| What did DT mean by "a predictable  
response"? A - that some people would  
like to see nothing at all happen to this  
open space

Mtg 19<sup>th</sup> January 1999 - similar

Q|| DT's comment - at the limit or loss of OS 8



MTA 19/2/99

Abbey Walk - your approach - "about as far back as it is at present"

MTA 25/2/99

DT/MF/DM all accepted "Square and Abbey Walk" (6/7)

10. DT - recreation/open space issues - matter a fact that it is not open space but a large building that has an appearance of open space

Committee Report - AW block agreed 4.74

4.137 Important green element - but not enough of it. I would like more informality in the planting and in its arrangement.

4.140 Privacy - no dispute

4.144 No daylight - Reason for Refusal. No daylight problem at Thorne Lodge

A - No reason for refusal, but it does indicate scheme is at the limits of what can be packed onto the site

- Why? Surely in London there will be a loss of light to someone from any building?

4.72 solution to the matter of its bulk

4.76 Mr McCoy had an input here "The Villains"  
— no, I wasn't done

### E. Heritage Letters

EH do not have a monopoly on what is right  
"who does" ?  
"Jumping around" which camp? (Mr Crossley's)

WCA Soc letter [where's ours?]

### Density

Agreement that density is common ground

— no  
QA A blunt instrument

QA CA case that courts are open space —

If tennis court is included then there would be 43.5 d. per h., if not, then 66.5 dph  
townscape — that part of the tennis club that remains is less perceptible than that which would be lost

Townscape reasons can justify higher densities. H79 allows for that. "I think 'Necessary' is a better word than 'appropriate' in H77(c)"

Are 2 bed units "small households"? (H79(a))

It is a feature that a large no. of aff hsg. units will mean higher density

— Denis additional 6 units would take the 52

Arbery Walk block would take it over 350

Finish for Tuesday

When 3<sup>rd</sup> parties? Maybe Wed. aft... (?)

Mr Scott - maybe Wed. pm? First?

Hosekeeping - still awaiting Sellwood's

Circulated letter of 27/7/99 to BS

[P. Clarkson's instructions are that the appellants will not be providing any more photographs]

Wednesday 28<sup>th</sup> 1999 - 6<sup>th</sup> day

Patrick Clarkson continues with Denis.....

Open Space - no public open space at present, but now there would be [some]

Loss of open space is not recreational is it? No point taken on loss of recreational/leisure space or wildlife habitat? [no]

"Concern is the contribution to the sense of openness to the character & appearance of the C. Area"

Would OS deficiency be exacerbated by this [no]

p32 (a) 3.2 (Tings College brief) states that these sites are not in an area of OS def.

Para 4.13 - Is sense of openness only private  
A - Not Private views are ① Airthe gardens ② Airthe  
③ Airthe Walk Public views ① Airthe Walk  
② Airthe Gardens. Also school community (public)

Cracked buildings in views -

Trees and spaces to the south have a 'campus' feeling - around Thorne Lodge, within the school grounds. Character doesn't obscure simple linear site boundaries

3.4.12.9 of Mr Thomas's Proof

- all fair summary. The surprise is not what is there, but what isn't there - esp. amenity

School buildings are 'neutral' - do not contribute positively, but the grounds do!

No moratorium on dev. in CA

57.7% of total site area developed - 43% undeveloped (i.e. Open Space). But what the Inspector must consider is the quality of open space that is being provided

There would be some entirely new views

Embankment could be replaced by something of better - para. 12.2 - something that outweighs the loss of the bank could be a bldg 56

CAPS - better 'envelope' could mean  
landscape - doesn't have to be buildings

C7/B3/E3+4 all encourage a new look at  
the sth. side of Abbeys Walk

Listed buildings - Cornhill blocks. We are  
agreed that WTA must go

Is the bank of trees a screen or a view? "a screen"

Appendix 18 - PRP's scheme for NAAI  
- Is this better or worse? not much in it?  
They say a 'poor' solution - is it an  
enhancement? 'wild presence' [but now dead rose]

Affordable revisions by Denis in opening yesterday

Bigger footprint - less openness at E. part of site  
Capable of being as satisfactory as appeal  
scheme.

## The Square

No standard square exists  
Square not compromised by traffic, accessed by  
public, good detailed treatment  
But inappropriately grand in its buildings, yet  
constrained in its square

Mr Crossley says Denis' scheme is 'urban' [eh?]

The houses have a grandeur and formality that is not appropriate in this part of the C. Area. Their urban grain is not related to their location. If the Insp. considered that the scale of these houses was appropriate, I wouldn't object to the detailed design.

Most houses locally are smaller.

Thorp Lodge [again!] surely the garden to TC is the most important part of the immediate setting to TC — rest of the setting is the school buildings, Airie Gardens, with an unfortunate relationship.

Hypermarket sized brick structure

Tennis Club — traffic/parking

Accept that (subject to conditions) the new club would not be worse than existing.

Only difference is the extra activity in the winter

Daylight

Did you prepare your rebuttal doc. ? "no"

Mr Morgan for tennis club

Isn't there an enhancement of rec. facilities

# Dents - re-examination (pm Weds)

Was Mr French involved in report? (input)

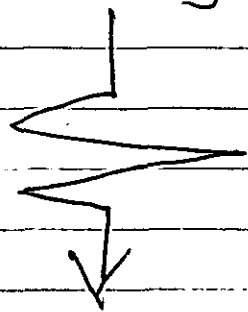
Who was primarily involved in preparing the Cmtee Report — Derek Taylor

Mr McDonald would liaise with Mr Bismace  
— Crossley 18.25 — Sellwood 3.2.20/3.2.21  
Any suggestion Mr Macdonald gave the  
OK to any of these mtg's (or mtg notes)?

How can Barkers' be compared to the appeal  
site? Or a hypermarket?

[Insp: - some of your questions are not quite neutral]

Density — the McCoy scheme



Inspector

OSS what status? A - Officer exercise in  
data gathering

Residents parking — fine £30 £100 clamp

Intensification - Conditions only for control?  
Any other controls? Little, mat. col U doing

Kings College - little relevance

No likelihood of site being 'sterilised'

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Mrs Caselles of Arbury Rd., for St. George

Destruction of trees/overbearing building  
Church refurbished - much loved church. St. George's  
Hall sold to finance church - luncheon club  
to be re-located to rear rooms of St. George's  
church (!)

- Siting of the entrance
- Destruction of bank of trees
- Overbearing building

- Martin Caroe's critique of Mr. Thomas

Church so shocked by inaccuracy of Mr. Thomas and  
the careless way in which he represented the  
church.

Clarkson - Any development has to respect that  
building [the church].

What is the membership of the church (160), 5,000  
'communicants' last year. Very few went to the  
exhibition. Not been to the exhibition



No part of the Council's case to say that the proposed entrance is dangerous - why do you disagree with them? Officers of the Council are wrong, are they? (more than one view here...)

How does a building opposite stop people going to worship? (church must be as visible as it can be, but setting that would be damaged)

Would welcome people from any new development to the church, although the sort of people [faceisers?] who would buy property there probably wouldn't want to go to the church.

Anthony Land for Campden Hill Res. Assoc.  
short statement - no questions

Sir Ronald Arwils - Chairman of Kers. Soc.

① Overdevelopment ② congestion ③ cumulative effect with Kings College site redevelopment

Q|| does society consider it desirable that the site should be 'sterilised'. Will the site be developed? (can't answer)

No more traffic - moratorium? "you said that!"

↑ school governor!

Mr. Brochmeyer - Ward Councillor ↑

Arborey Walk and nearby area has a rural feel. From the main entrance lobby to the school, ~~over~~ the the only building visible is the Kings C. bldg.

Mr Crossley said the dev't took no consideration of the school to the South. It doesn't. Would dominate Thorpe Lodge, affect the light to Thorpe Lodge as admitted in study by McBrain's Cooper. Compensation is one thing, but the loss would be permanent.

TIA flawed because it ignored pedestrians in the area. Chaos occurs in the area already at school closing time.

Over 50% of K+C children are privately educated; of the remainder, 50% go to religious or other schools.

Open Space — 8 playing fields a week are being lost nationally

tennis courts are not derelict, neglected, unused — they are highly valued — and cannot be a 'brownfield' site

Clarkson — appearing as an individual? yes.

Public opinion influences Councillors? yes

Contact with Planning Committee? little

Were all the public courts flawed because they

carried out in school holidays?

Moratorium on traffic increase at all? (no)

To increase the no. of flats by 5X must result in a significant increase in traffic

Open space - there are 12 tennis courts in open space, now there will be 6 in open space. Officers don't take this point so I should.

The letter from National Playing Fields Assoc. - did they know it was on a reservoir? (yes)

Inspector - school finishing? lunchtime?

Will attend rest of inquiry - would like Inspector to visit school

Clr. Freeman - as Ward Councillor

Kings College - Inspector will visit

Day 8 - Thursday 29<sup>th</sup>

↓ (11:15)

We're not dinosaurs, but threatened we are by a tyrannosaurus! [Good quote by Sir Brian Mellor]

Something could happen in the 'yard' area, maybe the pump house. But to put horses on both sides to make it an 'ordinary little street' would totally change the character of Arbery Walk - it would destroy it completely. 'Enhancing the sense of enclosure' are horrific words, whether or not they're in the COPS

## PM - Tennis Club

Rather blighted club [blighted by the appeal, or by their 6 mth lease?] - enhancement of facilities.

Could be a decline in the summer - players would prefer to play outside

|| No intention to increase the number of parties or functions, or increase present opening hours

Operating costs will be a little higher

Do have some 'non-members functions' [in addition to 'members functions']. A number of set-piece functions during the year - maybe a disco, maybe a quiz night

## Conditions

- 17) No difficulty with Condition 17
- 18) Would accept 170 - 150 has been exceeded once or twice so 170 would cover everything. Would be very very unusual to have more than 132 on site but 170 gives us extra leeway so that we wouldn't have to count all the time
- 16) 'premises'? Only courts in <sup>question</sup> ~~the~~ here. 10:30pm Oh for tennis court closing, 11:30 would be better for the club premises

5 exceptions to 1:00 am would allow for cocktail parties.

## Future of the club

shaky to say the least if this proposal fails

## Examination by ~~the~~ David Holgate

para. 6 of Proof

No waiting list in 1998. Waiting list existed until about 1991.

Low fees - Queen's is £1,000 a year, Hurlingham £750  
Vanderbilt maybe £500, Fulham Harbour Club  
is £1,500 per year and £130 a month

"Rule 47" "cutting in" - still apply to indoor courts.

Why do you need to have a "cutting in" rule?  
- old fashioned, friendly, club atmosphere. And allows more members - increases the capacity of the club.

Maybe 4/6 hours a week for use by Fox, during summer term. Hopefully Holland Park can play there.

Tenancy 1994 - club has been on site for 100 years or more, landlord prior to 1994 had always been a water utility.

Present lease has 6 mth termination - thinks is 15 year lease. 6 mth term makes it like more than a licence. "precious little" of a negotiating position with Thames Water.

First sought 12 outdoor courts  
What did you use as your negotiating platform?  
Was it planning policies that you used as your only card?

Thames would only sell you the site [at a leisure value] if you could convince them, or they were otherwise convinced, that they couldn't get a housing value for the site - planning policies must be the root of this, mustn't they? yes.

tournaments / demonstration matches?

Don't do them!

Hereward Philpott

Parking — notice not always obeyed is it?  
We have photos of cars in Arbery Walk.

Will Thames Water want to insure your premises? What  
they want to pass it on to you? You'll have to increase  
~~increase~~ your fees won't you?

Cold doesn't stop play. Only rain/snow

Re-examination

St. James Homes will be financing the  
building of a wholly new facility with the  
latest surfaces etc.

Don't envisage the popularity of this club  
going up just because there may be indoor  
courts. Don't think that it will be as busy  
as existing.

Find myself parking further away from the club  
than I did before".

CTA junior tournament

"Absolutely delighted, and surprised, when  
Thames Water offered us the present facility"

Residents also v. unhappy relating to  
5 events after 12.00

- Morgan; must take into account fact that  
no controls at all exist at present.

- only Grampian Conditions ~~remain~~ remain

Inspector will do an unaccompanied S.V  
this afternoon

S.V tomorrow morning 09.30 Friday

meeting in C. Chamber

10.00 Wednesday 4<sup>th</sup> August

for closing submissions



# Final Day - Closing Subs.

Prepared to subscribe to Crampian Condition

Submitted

- ① Agreeed transport accessibility
- ② Reworded tennis club conditions
- ③ Cost of Open Space calculations excluding tennis courts

Crampian Condition based on "Not more than 29 units to be constructed... etc"

Acknowledge that an application could be made by appellants to vary

Mr Philpott - Closing Submissions

## PRP scheme / Appellants own illustration

- \* DT to speak to the key residents on these — would the residents object to either (a) loss of 3 spaces (b) 2/3 extra units?

## Local Densities

- \* DT to investigate / guessimate the densities in Arkroy Walk
- \* DT to guessimate densities in the 3 sub areas of the site (1) CH Rd (2) A. Walk (3) square

## Perspectives

- \* DT to copy BS reply to DT's letter on the perspectives.

## \* B1 / B8 uses on site Market for these?

- ① Would they need PP for full back uses?
- ② What conditions on W/T House? [B1 or B7 or tied down so SG?]
- ③ Can we get a letter saying "no market for crumbly old offices in depot"?

Conference at chambers

2710

14/7/99

2:30pm

JS/JZ/DMCC/PA

S.106

Hopefully we'll have (at the least) 2 versions of 106s for the inquiry that will be 80% consistent

Hornslow Decision

Seems that (para. 11) the Inspector accepted affordable housing in the 'alternative' - not helpful, but what may be OK in Hornslow may not be so in HTC.

- \* ~~We need to see the 106 ✓~~
- \* ~~" " " " Cmtee Report~~
- \* ~~Do Hornslow have difficulty spending committed sum payments~~

Open Space surveys

No!

\* ~~There must be some Committee Report on this!~~

Viability/Facts + figures

✓

- \* ~~JZ to give DT a draft text for letter~~
- \* ~~DT to send/fax letter to BS from Planning~~