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FILE No. TP/99/0733

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Applicant if an Environmental Assessment is needed within 3 weeks from the date of the called-in application, or such longer period as he may reasonably require. I am not aware of any such notification being given.

230. The matter was raised at the Inquiry by Thamesbank (131) and other objectors (130,148). Advocates for the Applicant and the Council submitted legal advice (35,59). Position statements on archaeology, ecology and ground contamination were submitted at the Inquiry by the Applicant (70). These statements comply partly with, but were not submitted in response to, the requirements set out in Regulation 2(1), Schedule 3 of the above mentioned Regulations.

The need for consistency in planning

231. The Applicant relies heavily upon the recommendation by Officers of the Council for the scheme to be approved, subject to conditions and a Section 106 agreement in the Report to the Planning Committee of 24 July 1997 (35,59). It should be noted that the Report to the Planning Committee of 11 December 1997, which contained an appraisal of proposed amendments to the original scheme, raised a wide range of concerns which were adopted by the Committee as forming the basis for the Council's case to be put before the Inquiry (33). It is not my role to comment on the consistency of advice given by officers of the Council during the consultation stage with the design team or in reports to the Council's Planning Committee. This report concentrates solely on the merits of the proposed development in the context of present circumstances.

232. Nevertheless, I am aware that the proposals have evolved over a long period of time, involving extensive public consultations, and considerable effort has been made by all parties involved to find an acceptable solution for the redevelopment of this site which is now long overdue (73). The Council have sought amendments to the scheme in the hope of avoiding the need for a total rethink (31). In the absence of any In-house practising architects, they called in the services of a consultant architect to present evidence to the Inquiry; firstly to amplify and elaborate on the Council's concerns on urban design and architectural issues and, secondly, to advise on any further amendments which might be considered appropriate to overcome the Council's concerns over the proposed development. It is most unfortunate that there are fundamental flaws in the scheme which made the second task an impossible one.

Conditions

233. If my conclusions are not accepted and the Secretary of State is minded to grant planning permission for the proposed development, the conditions set out in *Document 14* are considered necessary in the interests of protecting amenity and heritage in the area. They should be imposed, subject to consideration of the recommended amendments and additions set out below and to the completion of the Section 106 obligation covering heads of terms as set out in *Document 15* (173,174).

Schedule of revisions to conditions.

234. Having regard to the advice in Circular 11/95 and the views of the parties, I consider the following amendments should be made to the draft conditions:

- Condition 3 - add the words "of buildings" after the word "faces".
- Condition 4 - omit the words "including details".
- Condition 5 - add the words "including a ramp and steps" after the word "walk".
- Condition 7 - is not necessary as it is covered by other legislation.
- Condition 8 - the words "and at no other time" are superfluous and should be omitted.
- Condition 10 - add the word "underground" before the word "parking" in line 1.
- Condition 14 - the wording suggested by the Council is more appropriate
- *Condition 25 - should be omitted and substituted by *model conditions* 38, 39 and 40 of Circular 11/95

235. I also consider a further condition should be added to deal with any mitigating measures necessary to overcome the effect of excessive wind speeds throughout the scheme to comply with UDP Policy TBE7 and R8 as follows:

"The proposed scheme, including the surrounding buildings, shall be modelled and tested by the use of a "boundary layer" wind tunnel and proposals to mitigate the effect of wind speeds in excess of 5 metres per second shall be submitted to and approved by the local planning authority before any works are commenced."

Summary of overall conclusions

236. A landmark building in the form of a 17 storey tower is not justified as an exception to Policies TBE15 and R7 of the UDP or the advice given in Paragraph 3.18 of or RPG3B/9B. The design of the tower fails to demonstrate flair imagination and would harm views of the southern bank of the reach of the Thames between Wandsworth and Putney. It would also harm the settings of Prospect House, Hurlingham House, and the Hurlingham Conservation Area. There are no townscape benefits to outweigh that harm.

237. The design of the scheme as a whole fails to meet many of the main objectives and requirements of the Development Brief and is in overriding conflict with the key townscape and riverside policies of the UDP and strategic guidance in Paragraphs 3.11-3.22 of RPG3B/9B. This conflict outweighs any support gained by compliance with other policies in the development plan, strategic guidance and other Government advice.

238. Paragraph 2.9 of RPG3B/9B emphasises the need to strike a balance between potentially conflicting uses and objectives associated with development along the stretches of the River Thames. In this case, the scheme fails to strike an acceptable balance between the conflicting objectives of the Development Brief, with an over emphasis on maximising the residential element of the scheme at the expense of other facilities, particularly the scale and quality of public and private amenity spaces. The provision of

employment space is likely to make an adequate contribution to the local employment needs of the area.

239. The traffic assessments carried out by the Applicant are unreliable and fail to clearly demonstrate that the local road network can cope with the anticipated increase in traffic without causing a high level of congestion and other traffic problems likely to cause conditions harmful to road safety.

240. The residential amenities of the occupiers of the east-facing flats in Prospect Quay would be harmed by the impact of the 17 storey tower and Courtyard A. The harm would not be sufficient to warrant refusal of planning permission on those grounds alone but it reinforces my overall view that the proposals should be resisted.

241. There is no sound reason for not pursuing the need for affordable housing on the application site in accordance with Policy H19 of the UDP or seeking an alternative contribution to the provision of affordable housing elsewhere in the Borough in accordance with the advice in Circular 6/98.



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FRA/02/98
Our Reference
APP/P3240/A/98/292819
& A/98/300146/P5
Date 21 OCT 1998

Dear Sir

**TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPEALS BY FRADLEY ESTATES
APPLICATION NOS: W98/0023 & W98/0599**

1. I have been appointed by the Secretary of State for the Environment, Transport and the Regions to determine the above-mentioned appeals. These appeals are against the failure of the Telford and Wrekin Council to give within the prescribed period notices of their decisions in respect of two applications for outline planning permission, in both cases for residential development on land off Edgmond Park, Newport. I conducted a hearing into the appeals on 13 October 1998. At the hearing you applied on behalf of your clients for an award of costs against the Council. This is the subject of a separate letter.

General matters

2. Both appeals concern land on the north side of Newport: the larger has an area of about 1 ha, and the smaller is a 0.4 ha part of the larger one. The sites are unused ground with a rough grass and plant growth, including some small trees and bushes and a mature oak tree on the northern side which is the subject of a Tree Preservation Order. The northern part was once occupied by cottages, and rubble can still be seen through the undergrowth. The southern part was once allotment gardens. Both applications are in outline with all matters reserved, but it is envisaged that access to either would be taken from Roe Deer Green, a residential cul-de-sac bounding the north-east corner.

3. Prior to the hearing, the Council resolved that they were minded to refuse permission in respect of the larger site on the grounds that the proposal is contrary to policies H3 and H7 of the deposit Wrekin Local Plan in that the site exceeds the maximum threshold for windfall site consideration under policy H7, is not an allocated site under policy H3, and consequently is an unacceptable site for the introduction of further residential development in the Newport area during the proposed term of the Wrekin Local Plan. In respect of the smaller site, they resolved that they were minded to grant outline permission subject to conditions, including that the development shall make provision for outdoor recreational open space, and that it shall provide for 38% of dwellings to be affordable housing, in accordance with a scheme to be agreed.

4. From the evidence given at the hearing and from written representations and my inspection of the site and surroundings, I consider that the main issues are the same in both cases, namely firstly the sites' suitability for residential development having regard to planning policies for meeting housing requirements in Newport, secondly whether, if released, the sites should be required to contribute a proportion of affordable housing, and thirdly whether provi-

sion should be made for outdoor recreational open space. I propose to examine these issues firstly in relation to the larger site, and then to consider how the conclusions reached should apply to the smaller site.

The larger site

5. On the first issue, the Council accept that the site is suitable in itself for residential development. Some objections are made by nearby residents, and I return to some of the points that they make later in this letter, but I do not think any of these would justify an objection in principle to building housing on this land. The issue therefore turns on whether all or some of it should be released now, or whether it should await a future Local Plan allocation.

6. A Local Plan for Newport was produced in 1984. There is uncertainty about whether it was formally adopted, but the Council have operated for many years on the basis that it was, and I note that the Inspector who allowed the appeal on the land to the north in 1996 also did so. The appeal site was not allocated for housing in that Plan, but along with land to the north it was identified as "the next most appropriate site" if further housing land were needed. In 1988 the Council approved a Review of the Plan which did identify the site and the land to the north to be released for housing, subject to matters of Structure Plan housing figures and sewerage provision which have now been overtaken by events. However it is common ground that that Review, although a material consideration, did not follow the formal procedures for adoption.

7. In my opinion, even if the 1984 Plan was adopted, changes to the strategic planning context since then, and the advanced stage that the Wrekin Local Plan has now reached, are material considerations which justify my not relying on the 1984 Plan in this appeal. This is even more so of the 1988 Review, because of its informal nature. The Wrekin Local Plan is now at the stage where the Inspector's report has been received following an inquiry, and proposed modifications in response to it (which in respect of this first issue follow the Inspector's recommendations) were due to be reported to the Council on the day after this hearing. I shall therefore give the greater weight to the draft Wrekin Local Plan, incorporating the proposed changes put to the Local Plan inquiry and the Inspector's recommendations. For brevity I shall refer to it in the following paragraphs as "the Local Plan".

8. The Local Plan identifies that to meet housing needs to 2006, provision should be made for an additional 400 dwellings in the District, of which 90 would be provided in Newport (policies H1 and H3). In the deposit draft, the 90 were to be met by 2 site allocations. In 1996 appeals were allowed in respect of these (one of which was an extension to the residential area north of this site), which in fact amounted to 107 dwellings. The allocations are therefore now to be deleted and replaced by commitments. The present appeal site was not allocated, but was included within the built-up area of Newport. The housing requirement was calculated on the basis that 1705 dwellings would be provided in the District from windfalls over the 11 years to 2006, of which there would be 55 in Newport. Policy H7 is headed "windfall sites" and states that housing development will be permitted on land under 0.4 ha that is within the built-up area of Telford and Newport when certain criteria are met. It is agreed that all the criteria are or can be met on this site.

9. Clearly this proposal in respect of the larger site is not explicitly in accordance with policy H7, because of its size. However you argue that the policy is a permissive one and does not mean that the release of a larger site would be contrary to it. I accept that if it were released it would in fact be a windfall. The question is whether such a relatively large windfall should be allowed in Newport. I find 3 key matters in answer to this, which do not all point in the same direction.

10. The first is, that as I have already indicated, the site is within the built-up area of Newport and there is no overriding site-specific objection in principle to its development. This is important because, as paragraph 40 of PPG1 points out, decisions on planning applications

or appeals should always take into account whether the proposed development would cause demonstrable harm to interests of acknowledged importance.

11. The second is that it seems to me that the intention of policy H7 is that sites over 0.4 ha should not be released in Newport unless they are the subject of a specific allocation. This interpretation is supported by the second part of the policy, which sets additional criteria for releasing land between 0.4 and 1 ha in Telford and refers to "exceptional circumstances" in which such sites may be released without meeting those criteria. It also reflects the Council's attempt to follow the advice in PPG3 (paragraph 10 of Annex B) that land availability studies, and in their view the Local Plan also, should make every effort to identify (sc. explicitly) sites of more than 0.4 ha. Furthermore this approach reflects the strategy of restraint on growth in the District excluding Telford, as stated in the Secretary of State's letter of approval of the Structure Plan. Whilst it would be wrong to build too much into precise calculations, the Council produced figures at the hearing, which I understand you agreed, to show that 36 windfall dwellings have already been permitted in Newport since 1995. So if this appeal were allowed, the windfall total would probably exceed the 55 estimated in the Plan with 8 years still to go to 2006. Any further windfalls in Newport would to that extent fly in the face of the restraint strategy.

12. For these reasons I conclude that the proposal would be contrary to policy H7 of the Local Plan, albeit that this conclusion does not yet have the force of section 54A of the 1990 Act.

13. The third matter is that current national and regional guidance, in the White Paper *Planning for the Communities of the Future* and in RPG11, anticipates that there will be a continuing need to provide more houses in Shropshire. Although it is premature to consider where that need will be met in future reviews of the Development Plan, I regard it as a material consideration which reduces the harm to the Local Plan's strategy that would flow from exceeding the housing requirement figures - particularly where there is no other objection to the release of the site in question.

14. Drawing these points together, I conclude that on balance the policy objection, unsupported by any site-specific objection, is not sufficient by itself to justify rejecting this appeal. This site would appear to be unique in Newport. At any rate, in response to my question, the Council were not able to point to any other site of this size within the built-up area likely to come forward except possibly one which is currently in industrial use. But it remains the case that there is no clear need to provide more housing land in Newport, especially as 145 dwellings have recently been built or are under construction on land immediately adjoining this site. This is relevant to the second issue, to which I now turn.

15. The question of affordable housing is not raised in the Council's resolution on the larger site, but they pursued it in their statement at the hearing and I consider it on that basis. Policy H25 of the draft Local Plan, as proposed to be changed, sets a target of 38% of affordable housing in Telford (and in the draft modifications proposes to bring in there a threshold of 0.5 ha), and adds that a proportion of affordable housing will be sought on other sites in Telford and Newport which come forward during the plan period, where there is identified local need. The Council consider that if this appeal is allowed, affordable housing should be required in accordance with this policy, and ask for a condition to be imposed requiring a scheme to be agreed to provide for 38% of dwellings to be affordable (social and low cost) housing.

16. You say that this site is unsuitable for affordable housing because of its limited size, which is further restricted in practice because the easternmost "leg" would not be built on. Circular 6/98 advises that affordable housing should only be sought on sites of 1 ha or more unless a lower threshold has been justified through the Local Plan process. The intention is to develop the site with detached houses which would be more in keeping with the neighbourhood. The Inspector in allowing the appeal on the land to the north concluded that it was inappropriate

to require affordable housing there. In accordance with his decision on the Stafford Road site, your clients have already contributed to the provision of 15 affordable dwellings. You point out that the Council provide no evidence of housing need for this appeal, although the Local Plan Inspector assumed that policy H25 would not be applied without consideration of need or local conditions. Accordingly the condition sought by the Council is unacceptable to your clients.

17. The advice in Circular 6/98 is on the basis that affordable housing needs will be addressed primarily through the development plan process. In this case the draft Plan proposes no specific threshold for Newport, and the Local Plan Inspector proposed no modification to this. She considered that the Council is justified in seeking some affordable housing on windfall sites in Newport, in the light of housing need studies and local evidence - this in the context of policy H7 which contemplates that windfall sites will generally be less than 0.4 ha. Although she also made the comment about consideration of need to which you refer, I do not read that in context as meaning that there must be a fresh needs appraisal for each site. It simply means that, as policy H25 says, there must be an identified need. This appeal is being considered not long after the Local Plan Inspector reported, in the context of a housing needs study which, notwithstanding your criticisms of it, she found to provide "very substantive evidence from an expert source" and "a clear indication of needs likely to arise during the Plan period" (paragraph 4.43.10 of her report). Newport Town Council consider that if this site is released it should provide for low-cost housing.

18. On this basis, including the very recent and thorough appraisal of the subject at the Local Plan inquiry, I am satisfied that a need for more affordable housing provision in Newport has been demonstrated, and that this site is of a reasonable size to be able to contribute to it. Reverting to my conclusion on the first issue, I consider that if the site made a contribution to demonstrable local needs in this way, its release could more readily be reconciled with the Structure Plan and emerging Local Plan strategy.

19. As to whether it is a suitable location for affordable housing, I note that my colleague's conclusion on the Showground site was on the basis that that site had already been "planned and largely developed" and that it had an "established character" (paragraph 18 of his letter). This site, although adjacent, is self-contained and I do not consider that these points apply to it. The Local Plan is much nearer adoption now and its policies carry greater weight. The character of housing neighbouring this site is varied, and in any case an aim of providing affordable housing through the planning system is "to encourage the development of mixed and balanced communities in order to avoid areas of social exclusion" (Circular 6/98, paragraph 1). Although Newport is, to judge from your evidence, remarkably poorly served by public transport, this site is within a walk of half a mile or so of the town centre. I conclude that this is a suitable site to provide affordable housing, although I note that the Council do not rule out the making instead of commuted payments for provision elsewhere.

20. I have considered therefore whether the appeal might be allowed on the basis of the condition sought by the Council. But your clients consider this condition to be unacceptable, and there are matters of detail that remain to be addressed. Provision of affordable housing could be achieved through the involvement of a social landlord or by the provision by your clients of low cost market housing. The figure of 38% ought to be further examined bearing in mind that it is applied to Telford in policy H25 (although I have no reason to find it inappropriate here bearing in mind the limited opportunities in the future of providing affordable housing in Newport). Then there is the question of whether provision is to be on this site or elsewhere. Circular 6/98 advises that a condition ought to address these points (as well as occupancy criteria), and there may well be a need for a legal agreement too. These matters can only sensibly be settled by negotiation. I have therefore come to the conclusion that the proper course is to dismiss this appeal on the grounds of lack of provision for affordable housing, so that the matter can be considered further by your clients. From the point of view of meeting Local Plan housing requirements in Newport it is clear that no harm will arise from a delay in developing this site.

21. In the light of this conclusion the issue of recreational open space provision can be examined briefly. The condition sought by the Council, although based on policy LR5 of the emerging Local Plan, is in my view unacceptably imprecise. Merely to quote a ratio per 1000 people gives little guidance for an outline application. It also became clear at the hearing that the Council are not in any case expecting provision to be made on this site. They are seeking a contribution to provision elsewhere. Moreover this may be in the form of financing additional facilities at the existing "neighbourhood equipped area for play" (NEAP) on the Showground site, rather than additional space. You say that your clients have already contributed to that facility beyond the requirements of the NPFA standard, and it was the Council's decision to take part of the site for landscaping instead.

22. Your evidence that this site is within the catchment area of the existing NEAP, and also of a "local area for play" which is proposed (subject to a section 106 agreement not yet concluded) even closer to this site, is not challenged by the Council. They simply draw my attention to the relevant policies and invite me to consider the need for provision. In my view they have failed to demonstrate that such a condition is justified or to explain clearly what is sought. I would therefore not have required such provision had the proposal been otherwise acceptable. Any provision sought in connection with any future proposal should be considered on its own merits.

23. I have taken account of all the other matters raised. Local residents raised questions of overlooking and protection of vegetation on the site. The first of these could, I am satisfied, be dealt with at the detailed stage if outline permission were given. As to vegetation, there is criticism of your clients for felling trees on the site, but I gather that there was no Tree Preservation Order on them. In my opinion, except for the oak tree which is protected by a TPO, the remaining vegetation on the site, including where growth has re-sprouted from the felled trees, is not of any special value. If permission were given, conditions could be attached requiring a landscaping scheme, and this could include retention of existing vegetation where appropriate. None of the other matters in my view outweigh my conclusions on the main issues. I shall therefore dismiss this appeal, and my formal decision is set out at the end of this letter.

The smaller site

24. My conclusions on the main issues in relation to the larger site apply in essence to the smaller site too, for the same reasons. However it is necessary to consider them alongside the Council's view that they would be minded to grant permission subject to conditions, including requiring provision of affordable housing and recreational open space.

25. In my view the proper course is to examine the larger site as a whole. Either this is suitable for release for housing or it is not; and similarly with respect to providing affordable housing. To release just a 0.4 ha part of the larger site, on no other basis than its size, is a wholly inappropriate and rigid way of looking at the definition of windfall sites. The difficulty inherent in this approach is exemplified with affordable housing. Whilst there is no formal threshold for Newport in policy H25, it would be more difficult to justify such provision on the smaller site if it were released in isolation, although this is a pre-requisite to seeking a contribution to provision elsewhere (Circular 6/98, paragraph 22). Yet if this requirement were waived, then the opportunity could be lost to obtain any affordable housing in respect of the larger site, as the same difficulty would arise with subsequent tranches. For this reason I consider that a contribution to affordable housing should be sought in this case even with the smaller site.

26. This piecemeal approach is also unsatisfactory in other ways. There would be little to prevent the developer from seeking a further 0.4 ha once the first such "slice" had been permitted - I note Council members shared this concern when making their resolution. The layout of the site and the provision of services is also likely to be less satisfactory than if the site were planned in a comprehensive manner.

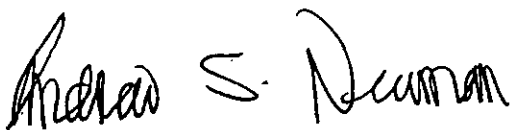
27. For these reasons I conclude that the release of the smaller site in isolation is unacceptable, firstly because its development ought to be planned as an integral part of the larger site and secondly because of the absence of provision, in that context, for affordable housing. I am not prepared to support the release of the smaller site on a piecemeal basis without such provision. The Council's suggested condition is open to the same difficulties, in the face of your clients' objection to it, as I have identified above in relation to the larger site. I conclude that I must therefore dismiss this appeal also.

28. I have taken account of all the other matters raised but there is nothing which outweighs this conclusion.

Formal decision

29. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss these appeals and refuse to grant planning permission in either case.

Yours faithfully



A S Newman BA MA DipTP MRTPI
Inspector



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Dear Sirs

**TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 & SCHEDULE 6
APPEAL BY CREST HOMES (EASTERN) LTD
APPLICATION NO: SB/TP/98/0059**

1. The Secretary of State for the Environment, Transport and the Regions has appointed me to determine your client's appeal against the decision of the South Bedfordshire District Council to refuse planning permission for the demolition of existing auction building, erection of 50 (fifty) dwellings comprising 2 & 3 bedroom houses, 24 - 2 bedroom flats, associated highway works, including change of use at British Car Auction Site, Stanbridge Road, Leighton Buzzard. I held a local inquiry on 22, 23 and 30 September 1998.
2. At application stage the proposal was amended. My decision is based on Drawing No. CH298/2/01 Revision D which was before the Council when they refused to grant planning permission. This layout incorporates a number of changes, including reducing the number of proposed dwellings to forty-nine and a new roundabout at the junction of the estate road with Stanbridge Road.
3. From the matters presented to me at the inquiry and from my inspection of the appeal site and its surroundings I am of the opinion that the main issues in this appeal are whether the proposal would cause harm to the aims of Development Plan policies which seek to, firstly, protect the future occupiers of the proposed dwellings and people living in the surrounding area from flooding, secondly, provide affordable housing to meet local housing needs and, if so, thirdly, whether there are any other material considerations which would outweigh the harm.
4. The Development Plan for the area is the Bedfordshire Structure Plan 2011, adopted March 1997, and the South Bedfordshire Local Plan, adopted December 1995.
5. Dealing with the first main issue, Clipstone Brook, a statutory Main River, runs generally parallel to, and a short distance from, the northern boundary of the site. Clipstone Brook runs under the recently reconstructed Chain Bridge which is situated to the west of the site. Policy IS4 seeks to prevent new development that will generate surface water which is likely to result in adverse effects, such as increased risk of flooding. Policy IS3 of the Local Plan makes clear that in areas known to be at risk from flooding, as identified on the Proposals Map, and in areas which are considered to be potentially at risk from flooding,

proposals for new development and raising of land will not normally be permitted. The appeal site was flooded in 1950 and land surrounding the appeal site, including Stanbridge Road which would provide the main access to the proposed development, was flooded in 1992 and 1993. Whilst the appeal site is shown to lie outside the flood plain of Clipstone Brook on the Proposals Map of the Local Plan this appears to me to be an error. No evidence was produced to show that any major works have been carried to improve the flood plain to lead me to find that the site is not potentially at risk from flooding. I conclude that Local Plan Policies IS3 and IS4 are applicable to the proposal.

6. Policy IS3 seeks to ensure that new uses are limited to open space, such as playing fields and that where development is already located in an area at risk from flooding any redevelopment proposals will be taken as an opportunity to provide flood protection measures for the development itself and settlements downstream. The planning history shows that in 1957 planning permission was granted for the use of the site for showroom, workshops for vehicles and display yard. In 1966 planning permission was granted for the additional use for sale of motor vehicles by auction. The site is a large hard surfaced area, about 0.77 ha, on which there is a large open ended building. The development on the site would have a different impact on the flood/flow regime of the river than fields or open space. For this reason I intend to deal with the proposal as a form of redevelopment and take account of the flood protection measures proposed by the Appellants.

7. One of the proposed flood protection measures is that there would be no physical obstructions within the 9m wide strip of land which is required for access and to carry out maintenance and improvement works to the river that is covered by the Environment Agency's bylaws. I note that whilst there would be no dwellings within the 9m bylaw strip, there would be car ports, parking spaces and access roads on part of this land. The Environment Agency state they would not give Bylaw Consent for these works if this appeal succeeds. The flood protection measures also include suspended ground floors within the proposed dwellings, the level of which would be a minimum distance of 300 mm above the highest recorded flood level. There would be rectangular air bricks in the walls between the ground level and floor level which would enable flood water to enter and leave the void beneath the proposed buildings. The height of the existing ground levels of the site would not be increased and the ground levels within the 9m bylaw strip would be lowered.

8. The latter two measures are intended to provide additional capacity for water storage in the flood plain. The Appellants' estimate that the proposed development would occupy about 50 cubic metres of flood water storage and that the lowering of ground levels within the 9m bylaw strip would provide some 375 cubic metres of additional flood water storage capacity. The Environment Agency maintain that this amount of additional storage would be very low and that it would be filled with water early in a flood event. They are concerned that this additional storage would not help deal with the peak of a flood.

9. Whilst the lowering of ground levels within the 9m bylaw strip would provide some additional storage in the flood plain it would increase the risks of the appeal site being flooded. At the inquiry the Appellants produced a drawing illustrating the areas which would be flooded at a range of flood events. In a 1 in 5 year event a number of the proposed parking spaces and the amenity area to the north of the main block of flats would be flooded. The area of the site covered by flood water would increase with more intense rainfalls, such that in 1 in 100 year event the water would cover most of the amenity area to the north of the main block of flats and reach three walls of that building. It would also cover large parts

of the parking areas and access roads on the eastern and western side of the site as well as reaching a number of car ports.

10. Although it is unlikely that the flood waters would reach the living accommodation of any dwelling, there would be a degree of inconvenience and possible danger to future residents and visitors walking and driving through flood waters on the appeal site. Any vehicle stood in flood water on the parking areas and in a car port would be likely to suffer some damage and might be difficult to start. The debris and mess left after a flood would have to be removed. The water would cause short and long term damage to any buildings and hard areas in the areas flooded. The remedial works after the flooding would involve additional expenditure. There would be a need to keep the air bricks and the voids beneath the buildings clear at regular intervals. If this is not done they could become blocked and flood water would not be able to enter and leave the voids under the buildings freely, thereby increasing the height of the flood waters on the site and reducing the volume of flood storage in the flood plain. Whilst the Appellants propose to impose covenants to ensure the air bricks are kept clear, I share the Environment Agency's view that most people would be unlikely to carry this work on a regular basis. I find that the proposed flood protection measures would not make a significant difference to the flow regime of the river at times of intense rainfall. Nor would they reduce the risks of flooding on the appeal site and in other parts of the flood plain to an acceptable degree. I conclude the proposal would cause harm to Policies IS3 and IS4 of the adopted Local Plan.

11. Turning now to the second issue, Policy H4 of the Local Plan makes clear that within new residential development the Council will encourage through negotiation with developers the provision of a range of housing tenures, including accommodation for rent and shared ownership to meet local housing needs at affordable prices.

12. The Appellants have declined to negotiate with the Council for the provision of any subsidised housing because the proposed development would provide units on the first rung of the housing ladder. They maintain that the proposed low cost housing units would be affordable housing in terms of the advice in Circular 6/98.

13. Based on the evidence submitted by the Council I find that there is a need to provide affordable housing in the South Bedfordshire District, including Leighton Buzzard. My opinion is that it is appropriate for the Council to seek an element of affordable housing in this development because it would provide some forty-nine dwellings which exceeds the criterion of twenty-five dwellings at para. 10 (i) of Circular 6/98. Whilst many of the proposed units would be suitable for first time buyers, my view is that selling or renting them on the open market would place them beyond the financial reach of a material number of people. This would be contrary to Structure Plan Policy 34 which seeks to secure the provision of an element of affordable housing for those households whose incomes deny them the opportunity to purchase or rent homes on the open market. Policy 34 reflects the advice at para. 4 of Circular 6/98 that affordable housing will be available to people who cannot afford to rent or buy houses generally available on the open market. I conclude that the proposal would cause harm to the aims of Development Plan policies which seek to provide affordable housing to meet local needs.

14. I now have regard to the third issue. In December 1956 a planning permission, ref: LBUDC/TP/56/74, was granted for tipping of soil to raise ground above flood level and to make land useable for some form of future development at the appeal site. The Appellants

maintain that that planning permission has been partly implemented. They state that, if this appeal is dismissed, they will demolish the existing buildings on the site and complete the tipping, the subject of that planning permission. Whilst that tipping would take most of the appeal site above the levels of recorded floods it would reduce the storage capacity of the flood plain with the consequent risk of flooding other land. The Appellants offer to abandon that extant planning permission as part of a nil detriment approach to the flooding issue. A legal submission was made on their behalf to support their case that the 1956 planning permission can be completed.

15. The Council argued that the levels on the site were raised pursuant to a 1957 outline planning permission, ref: LBUDC/TP/57/20. They contend that the 1956 planning permission was not implemented and has now lapsed. They made legal submissions to support their view that the 1956 planning permission can no longer be implemented. Even if that argument is wrong they maintain that if the levels of the site were to be raised to accord with the 1956 planning permission, residential development of the site would not be acceptable because it would increase the risks of flooding around the site. Not only would this affect other people living and working in the flood plan, but the future residents would have to travel through it.

16. My opinion is that the question of whether or not planning permission is required to tip soil on the site to the levels of the 1956 planning permission is a legal matter and should be resolved by other procedures. Solely for the purposes of deciding this appeal I have assumed that tipping on the site in accordance with the 1956 planning permission could be completed without the express granting of planning permission. The amount of storage in the flood plain which would be lost by reason of such tipping would be small in relation to the volumes of water which would overflow the river at times of a flood. Whilst there would be some advantages in retaining the present levels of the site my view is that they do not carry overriding weight.

17. The Council has commenced the Review of the Local Plan. In April 1998 they published consultation papers in advance of publishing a Draft Local Plan, due to be placed on Deposit in 1999, which include a proposal that the appeal site be used for housing. I have attached little weight to that proposal because the Local Plan Review is at a very early stage in the adoption process.

18. I turn now to the unreserved support for the proposal expressed by some 62 residents. The activities associated with the existing use of the site as a vehicle auction are noisy. Moreover, on auction days vehicles generated by the use, including vehicle transporters, park on streets in the surrounding area, causing some obstruction, disturbance and problems for the residents. Correspondence submitted at the inquiry shows that the operators have taken action to resolve complaints in the past. They gave assurances that they would make every effort to minimise the effects of evening auctions on local residents. The Council has other powers to deal with on-street parking problems and statutory noise nuisance. Whilst the proposal would have some advantages for local residents I do not consider that these are sufficient to outweigh the harm to the future occupiers of the proposed houses by reason of flooding.

19. The Appellants referred to a number of developments in the vicinity of Clipstone Brook, its flood plain and the appeal site which have been granted planning permission subject to conditions relating to flood protection measures. These include a large supermarket

and its associated petrol filling station and parking areas, situated on the opposite side of Clipstone Brook. The Council have consistently followed the advice of the Environment Agency (and its predecessor, the National Rivers Authority) in relation to all those cases and the appeal proposal. Having considered the Council's comments on those cases and seen them from the public highway I have concluded that those decisions were taken in the light of the respective merits of each case and that there is nothing in them that is sufficient to change my decision in this case.

20. The proposal would provide easy access to the 9m bylaw strip for maintenance and emergency works. However, the Environment Agency are able to carry out such works under the present arrangements. They state that the proposed flood compensation works which would be carried out in the 9m bylaw strip would severely inhibit their ability to undertake statutory duties. I have not attached substantial weight to the benefits of the improved access arrangements.

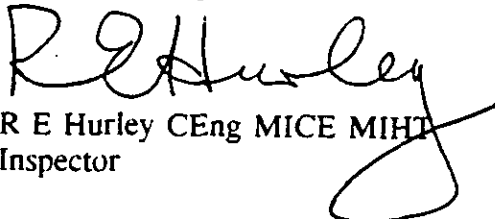
21. At the inquiry the Appellants submitted a sealed Deed of Undertaking to provide four units of affordable housing within the proposed development and a financial contribution of £15,000 towards affordable housing initiatives elsewhere in the locality. The four affordable units would be sold to a housing association at a cost of no more than the Total Cost Indicator for the District. The Undertaking is not dated. The Appellants would complete it if I find that affordable housing should be provided as part of the development. If I had not found the harm which would be caused to the future residents and people living in the flood plain to be overriding I would have taken account of the undertaking.

22. The government has expressed its support for the full and efficient use of brown field sites for residential development within easy walking distance of other facilities, such as the appeal site. The replacement of the existing auction use with residential development would have some advantages for nearby residents. However, I consider that the harm which would be caused to the future residents and people living in the surrounding area by reason of flooding and to the Development Plan policies which seek to prevent this is the overriding consideration in this case. I conclude that the other material considerations in this case are not sufficient to outweigh that harm.

23. I have taken account of all the other matters raised at the inquiry and in the representations, but I am of the opinion that they do not outweigh the considerations that have led me to my decision.

24. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss this appeal.

Yours faithfully


R E Hurley CEng MICE MIHT
Inspector



The Planning Inspectorate

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Your Ref:

RLT/0606/1197

Our Ref:

T/APP/E1210/E/98/1013777/P7

T/APP/E1210/A/98/1013775/P7

Date:

19 FEB 1999

Dear Sirs

**PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990,
SECTION 20 & SCHEDULE 3
TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 & SCHEDULE 6
APPEALS BY PRIMETOWER PROPERTIES LIMITED
APPLICATIONS NOS: 8/98/0462U & 8/98/0461F**

1. The Secretary of State for the Environment, Transport and the Regions has appointed me to determine your client's appeals against the decisions of the Christchurch Borough Council to refuse (A) conservation area consent for the demolition of the existing buildings, retention of the Boardroom (and its reuse as a community facility), the rebuilding of part of its front entrance and making good of the side walls following demolition, and, (B) planning permission for the demolition of the existing buildings and the redevelopment of the site with houses and flats, the retention of the existing Boardroom as a community facility, with the provision of car parking and associated works on land fronting Fairmile Road and Jumpers Road (formerly part of Christchurch Hospital), Christchurch. I held a local inquiry on 2 - 4 February 1999. At the inquiry, applications were made on behalf of your client for awards of costs against the Christchurch Borough Council. These are the subject of a separate letter.

The Site, its Surroundings and its History

2. The site lies at the junction of Fairmile Road and Jumpers Road. The former is a busy Class II road lined predominantly with housing though with exceptions such as the fire station and the hospital. Jumpers Road is a suburban residential road comprising, predominantly, a mix of detached and semi-detached houses and bungalows, as well as a group of flats and houses constructed on the site of the former Apex Works. The appeal site contains a range of single and tall two storey buildings (with attics) towards its eastern end, all of which are disused and lie within the Christchurch Hospital Conservation Area. The remainder of the site has been cleared and is generally level. A group of trees stands near the western end of the frontage to Jumpers Road, outside the conservation area, whilst a single mature deciduous tree stands close to the eastern boundary (ie within the conservation area).

3. The buildings which remain are of brick construction under a variety of tile and slate roofs. The position, height and mass of the tallest element, Stour Court, which is close to the road junction, are such that it is a prominent component of the local townscape. It is constructed in buff brickwork, above a canted brick plinth and with attractive contrasting red

brick string courses and modelled brick arches above the windows. The window ranges on the main (public) elevations, set in deep reveals, are based upon a disciplined order and arrangement, with tall sashes at ground floor level, sashes of a slightly different design and height at first floor and casement dormers at roof level. Even where windows do not align vertically, their composition was clearly carefully devised and the result is pleasing to the eye. More generally the design, scale and form of the building are most accomplished, relying on articulation and variety in the elevational form and roofscape, (the visual interest of the latter is largely attributable to the ranges of well detailed dormers and substantial chimney stacks).

4. To the immediate west of this building is a tall single storey building, known as the Boardroom. It is constructed in dark red facing brickwork, with string courses in buff bricks, under a natural slate roof. Again there is fine detailing in the brickwork, fenestration and overall composition of the design. To its west stands a single storey red brick building with buff string courses and slate roofs, referred to as a telephone exchange but which was originally the Porters' Lodge. From the historic photographic evidence I have seen, this building is evidently the remaining section of a once larger building extending further to the west, but which has recently been demolished. Each of these remaining single storey buildings exhibits a well ordered form, elevational expression and appearance. Near the centre of the Porters' Lodge is a large gateway contained within a projecting gable and defined by a heavily moulded, flat-pointed arch. This provides views from Jumpers Road to the Italianate façade of the former Master's House behind.

5. The Master's House forms part of the redevelopment of the adjoining former hospital land, now known as Regency Park. It has been extended to provide residential accommodation although the other buildings within this part of the site have been demolished and replaced. The result is a relatively high density residential development comprising a range of terraced houses, flats and sheltered apartments generally arranged around a central grassed area containing a substantial mature pine tree. Access to the site is shared with the remaining hospital site via a new roundabout on Fairmile Road. A separately accessed group of 11 affordable houses has been constructed to the west in the same style, obtaining access from Jumpers Road. Whilst two developers have been responsible for the redevelopment to date there is a general consistency between their approaches in design, massing and external facing materials.

6. Detailed and outline planning permission and conservation area consent were granted in 1995 for the redevelopment of the southern part of the hospital site following the demolition of many of the buildings there (App. Nos. 8/94/0328F, 8/94/0327P & 8/94/0336U). The detailed planning permission related to the retention and conversion of Stour Court, the former Boardroom, the telephone exchange and administrative offices. At the same time the Council issued a Design Brief to elaborate on the approach required in redevelopment, making reference to the retention of the appeal buildings. Detailed planning permission was granted in 1996 for the redevelopment of the land to the north and west of the appeal site (App. No. 8/96/0164F). In 1997 conservation area consent and detailed planning permission were sought for the demolition of the remaining buildings and their replacement by 12 houses, 50 flats for the frail elderly and a new community hall (App. Nos. 8/97/0527U & 8/97/0519F). Your client appealed against non-determination of these applications (which had been amended in the course of their consideration by the Council) but withdrew the appeals.

Issues

7. From the evidence put to me at the inquiry and in writing and from what I saw at my visits to the site and its surrounding area I consider there to be four main issues in these cases. The first relates to both appeals whilst the second, third and fourth relate only to the appeal against the refusal of planning permission. The first issue is whether the proposals would preserve or enhance the character or appearance of the Christchurch Hospital Conservation Area, in which the majority of the site lies. The second relates to the provision of affordable housing and the third concerns the extent of open space within the proposed scheme. The fourth issue concerns the adequacy of the proposed provision of car parking.

The Development Plan

8. The statutory development plan includes the South East Dorset Structure Plan, First Alteration, 1990. Policy 1.1 establishes the broad strategic intention for development to be based on limited extension of the county's built up areas, together with development and redevelopment of land within those built up areas. Policy 1.5 generally permits residential development, provided that its scale and nature are compatible with its surroundings and with the amenities of any adjoining residential area. It should not lead to traffic problems and infrastructure and services should be adequate. Policy 6.3 addresses the provision of well distributed open space in new housing (including redevelopment sites). Assessment will take account of nationally recommended standards, together with local need for, amongst other matters, casual and children's play areas and amenity space.

9. Policy 6.6 acknowledges the different qualities of the various parts of the county and seeks respect for them in the standard of the design and layout of new development. Policies 6.7 and 6.8 refer to buildings of architectural or historic interest. There is no reference to "special" interest such as is associated with listed buildings. The policies aim to protect these buildings, firstly, against development which would adversely affect them and, secondly, normally from demolition unless their condition is such that repair and reuse is impractical.

10. Reference has also been made to the emerging Dorset Structure Plan, Deposit Plan (January 1996) and the Proposed Modifications (February 1998) made in the light of the Panel's Report following an Examination in Public in 1996. In essence the settlement policy of the current plan is to be consolidated. There is increased emphasis upon the sustainable location of housing and the provision of a mix of housing, including affordable and special needs homes. Policy H seeks, amongst other matters, that redevelopment should make a positive contribution to the urban environment through careful design, layout and form relative to its function and setting.

11. The draft Borough of Christchurch Local Plan was placed on Deposit in January 1997. Proposed Pre-Inquiry and Further Inquiry Changes were published in 1998 and the Inspector's Report is currently awaited. This advanced stage, together with the fact that the relevant policies are either not subject to objections or are proposed to be modified to reflect current national planning guidance, means that considerable weight should be attached to the relevant policies of this draft plan. Policies H6 and CF1 of the Deposit Plan respectively identify that parts of the Christchurch Hospital site are suitable for housing and community hall provision. With regard to the housing allocation, paragraph 5.14 of the supporting text refers to the grant of planning permission and the inclusion of affordable housing. This permission formed the basis of the deletion of Policy H6 in the proposed Pre-Inquiry Changes, as the site was by then under construction. The supporting text to policy CF1

envisages the conversion of an existing building and was based upon an identified need in the northern part of the town.

12. Policy H8 addresses affordable housing, explaining that the Council will negotiate with developers for such provision against the background of identified local housing need and the site and market circumstances. The term "affordable housing", it states, applies irrespective of tenure or financial arrangements and encompasses a specified range of needs of prospective occupants. The reason for the policy is set down in paragraph 5.23, which indicates that, on the basis of the Council's Housing Needs Survey, a realistic target for affordable housing provision on a Borough-wide basis would be 30% of new dwellings permitted. It indicates that each site will need to be individually assessed for its suitability for affordable housing.

13. Policy P7 refers to the Council's approved car parking guidelines. Paragraph 7.109 of the supporting text, as proposed to be modified, explains that these standards are published as supplementary planning guidance (SPG) and are to be revised in the light of advice in PPG13. The Council explained at the inquiry that, since the 1995 Dorset County Council (DCC) standards are of more recent origin than its own, it applies those standards in development control, albeit that they had not been formally adopted by the Council. Policy T20, as proposed to be changed, allows for the relaxation of car parking standards in conservation areas where, for example, this would preserve the visual character of the area or protect the urban form. Policy P5 identifies areas in the Borough which suffer vehicle access and parking deficiencies and require improvements: none of these adjoin the appeal site.

14. Policy H13, as proposed to be modified, addresses residential infill and redevelopment proposals, requiring that they meet design, layout, amenity, car parking, open space and other criteria (thereby reflecting policy 1.5 of the Structure Plan). Policies BE1 and BE2 closely reflect policies 6.7 and 6.8 of the Structure Plan. Policy BE1 relates to the preservation or enhancement of the character or appearance of the conservation areas in the Borough. Policy BE2, as now proposed to be modified, indicates that if a building in a conservation area is proposed to be demolished as part of a development, its historic and architectural value will be taken into account when making the judgement as expressed in policy BE1. It continues by stating that conservation area consent will not be granted for the demolition of a building making a positive contribution to the character or appearance of the area if it could be put to effective use. It states that if a building makes no positive contribution or is not capable of effective use, conservation area consent will only be granted if there are acceptable redevelopment proposals.

15. Policy BE3 states that planning permission will only be granted for development proposals in conservation areas which exhibit compatibility in their design and scale with the area and would not lead to unacceptable levels of traffic, parking noise and other nuisance. This objective is reinforced, in relation to highway treatment and associated works, by policy T21. Policies BE4 and BE5 seek that extensions and alterations to buildings in conservation areas should not harm the character of the area and should protect important townscape features, indicating an expectation that such features will be retained. Policy BE20 protects from demolition buildings identified by the Council as being of local interest within conservation areas. A schedule of such buildings (which does not include any within the appeal site) has been added as Appendix 2 in the proposed Pre-Inquiry Changes. Paragraph 4.23 of the Deposit Plan explains that the Christchurch Hospital Conservation Area was designated in 1991 and comprises two areas, containing the hospital buildings and mature landscaping and trees.

16. Policy L22 requires recreational open space at the rate of 2.4ha (6 acres) per 1000 population. This accords with advice in the National Playing Fields Association (NPFA) guidance, which is referred to in paragraph 8.49 of the draft Local Plan. Such provision should normally be within the layout of the site and should take account of the location relative to other such spaces, characteristics and nature of the proposed development. Paragraphs 8.8 to 8.15 address recreation and open space in the Borough, and identify an overall shortage, although it is not evenly spread.

The Conservation Area Issue

17. When the Christchurch Hospital Conservation Area was designated the Council produced no document to explain that designation, nor has it done so since. It did not dispute that a substantial proportion of the buildings which stood in the conservation area at the time of designation have since been lawfully demolished. I therefore have only the benefit of the submitted photographic and written descriptive material upon which to base my understanding of the overall conservation area at that time. Some of the demolished buildings have now been replaced by the new development described above and the extent of the conservation area has not been redrawn. The character and appearance of this part of the conservation area has been permitted to change as a result. Its current character and appearance is defined, in my judgement, not only by the substantial new housing development, but also by the vestiges of the former, somewhat institutional, hospital buildings within the appeal site. It follows that, having in mind the policies of the Structure Plan and emerging Local Plan, as well as the requirements of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, it is all of these characteristics against which the proposed demolition and redevelopment must be assessed. The fact that one characteristic might now predominate clearly does not mean that others can be discounted or marginalised.

18. Looking firstly at the case for demolition, I am in no doubt that, whilst the buildings were not considered to be of listable quality, they each make a positive contribution to both the character and the appearance of the conservation area. This contribution can be attributed not only to their position at the periphery of the former hospital curtilage and their accomplished architectural form and detailing, but also to their role as a reminder of the existence of the former hospital: the area designated as the conservation area in the first place. Notwithstanding what I regard as their vital role in the conservation area, however, I recognise that the Council does not dispute their seriously deteriorated condition nor that the cost of refurbishment as dwellings would substantially exceed their likely re-sale value. Therefore, for the purposes of policy BE2 of the draft Local Plan and paragraphs 4.27 and 3.19 of PPG15, its case is predicated not on the basis that the buildings should be retained, but that what is proposed would not be a suitable replacement for the existing buildings and would thus harm the character and appearance of the conservation area.

19. In accepting this as the basis upon which to judge your client's proposals, I am aware that interested parties argued in writing and at the inquiry that the buildings proposed to be demolished could be restored and converted to housing. However, they produced no convincing evidence based upon either a detailed survey, feasibility scheme or sales projections which would lead me to conclude that such restoration and conversion would be likely to occur or to be viable.

20. Against this context, therefore, I regard the determining considerations on the first issue to be whether the proposed replacement buildings would offer satisfactory replacements for those which would be demolished, also having regard to their proposed setting adjacent to the recent new housing of Regency Park.

21. The proposed buildings comprise a mix of two and three storey construction (including some roof space accommodation) set behind small front gardens. Some of these garden areas would be enclosed by 900mm or 1800mm high walls although the area in front of the eastern-most building would be unenclosed, save for the retained mature tree close to the Fairmile Road boundary. Vehicular access would be confined to the rear of the dwellings through the adjoining new housing development with only pedestrian access from Jumpers Road, although you explained that there is an entitlement for residents, as well as visitors to the proposed new community hall (Block 9 - the former Boardroom), to use the new 17 space layby in Jumpers Road.

22. The elevational expression of the proposed buildings would share many of the characteristics, form, details and materials of the adjoining recently constructed housing. The Council acknowledged that these are attractive and reflect the form and respect the setting of the remaining operational hospital complex. However, it does not follow that the application of a similar approach is necessarily appropriate for the appeal site, where any buildings would relate no more to the currently developed part of Regency Park than to the surrounding townscape along Jumpers Road and Fairmile Road and, furthermore, would be the replacement for the attractive existing buildings. As I have indicated above, the existing buildings which would be demolished make a positive contribution to the character and appearance of the conservation area and are entirely different in character and appearance to the houses in Regency Park. Their form, variety, heavy articulation, discipline and order (particularly in their fenestration and openings) together with the careful use of materials, combine to create a most attractive, albeit now truncated, group.

23. By contrast whilst the proposed buildings display a number of design devices, they portray little architectural integrity and fail, in my judgement, to respond imaginatively or innovatively to their setting. In considering, firstly, the overall bulk and mass of the buildings, I can only properly compare the proposals with what remains standing, the western-most range having already been demolished. The replacement for Stour Court would be a tall three storey (partially in the roof space) building with a wide span, incorporating a part double pile roof construction with a substantial parapet to conceal this feature. The size and scale of the resulting building would in my judgement be very substantial.

24. I appreciate that, being prominently set at a road junction and a replacement for the accomplished architecture of Stour Court, the building needs to relate to both Fairmile and Jumpers Roads. However, I consider that the proposed building arrangement and elevational composition entirely fail to resolve the townscape requirements of this position. The short elevation facing diagonally towards the junction and dominated by a tall heavily fenestrated gable elevation, flanked by two short walls, would appear as a conspicuous but visually weak feature from all directions. Similarly the hipped roof form employed to turn the corner would appear unresolved and poorly defined.

25. I would apply precisely the same criticism to the proposed corner building close to the adjoining McCarthy and Stone sheltered apartments. Despite the incorporation of parapets at roof level at the junctions of buildings and the slight set backs at those points, the remainder of the elevations of this building facing the adjoining roads would be equally ill proportioned and detailed, with the roofscape generally lacking significant punctuation and interest. The design, size and proportions of the proposed dormer windows and the lack of any other roofscape features fail to alleviate the bulkiness of this building. Such features are important aspects of the existing building and thus of the conservation area. The characteristics of the proposed building would thus contrast starkly with the bold, simple and

entertaining form of Stour Court, which comfortably and unpretentiously resolves the corner location.

26. These shortcomings would be further compounded by the choice of materials (to match those used on the adjoining new housing development) which, as was pointed out at the inquiry, is not a reserved matter. In contrast to the light buff bricks with contrasting red dressings on Stour Court, the proposed replacement building would be constructed in red brick with buff dressings above (in certain areas) rusticated render and a reconstituted stone string course. Matching stone quoins would feature at the corners of the forward-facing three storey building at the junction of Jumpers and Fairmile Roads. The proposed red brick would emphasise the great mass of the proposed building and would tend further visually to dominate the corner setting. This contrasts with the relief provided by the light brickwork of the substantial Stour Court building. The proposed rusticated render, stone string course and quoins may add variety to the elevations but their use would, in my view, appear arbitrary and visually disruptive. The proposed slate roofs with clay ridge tiles may match those of the existing housing and certain of the remaining buildings within the appeal site. However, the effect of relief through the use of lighter coloured plain tiles on the scale and form of Stour Court (as with its facing materials) is not reflected in the choice of slates for the roofs of the new building. Thus the uniformity of the roof finish and the dark colour and proportions of the slates would, in my judgement, further emphasize the excessive mass of the proposed building.

27. Proposed Block 8 would stand to the west of the Boardroom, which would be retained as a community hall. The existing Porters' Lodge is of single storey construction, in red brick, with buff dressings and a slate roof, again incorporating an attractive range of tall double-hung sash windows. The boundary wall to Jumpers Road having been demolished, the building is exposed to view and creates an attractive and restrained form of enclosure, set considerably back from the rear edge of the pavement. On the other hand the proposed building would be a tall three storey structure (with some accommodation in roof-spaces) continuing to and beyond the western edge of the Jumpers Road frontage of the conservation area. Whilst I can only properly compare this building with what remains along this frontage, (ie the former Porters' Lodge and a cleared site) I am in no doubt that the substantial increase in mass and height alone would mark a very substantial and harmful alteration of the existing character and appearance of this part of the conservation area.

28. The façade of the proposed "cottage style" terrace, flanked on either side by a slightly taller "formal Regency" style building (set slightly behind this façade) would be largely unbroken, other than by a number of porch canopies. This, together with the substantial mass and bulk of the building (resulting largely from its wide span and considerable length), would cause it to have a strident impact on the character and appearance of the conservation area, which would contrast harmfully with the restrained impact of the former Porters' Lodge. Whilst I do not advocate mimicry, any replacement, in my assessment, should respect the visual role of the existing building if the character and appearance of the conservation area is to be preserved, let alone enhanced. In the interests of compatibility with that approach, the same design philosophy would be appropriate for the western part of the appeal site if the overall character or appearance of the conservation area is to be preserved or enhanced.

29. Again the choice of materials on Block 8 would, in my judgement, compound the somewhat oppressive impact of the proposed buildings, accentuating their very substantial mass and large scale. Whilst the existing and former buildings and structures may have been constructed in red brick with buff brick, cement and painted dressings, they are or were of

an entirely different scale and impact. Thus it would be wrong to rely on this precedent in seeking to justify the use of such materials in the proposed buildings. Similarly, although I appreciate that the proposed archway incorporated into the eastern part of this range would still enable views to be gained of the attractive former Master's House, the context of those views would be substantially different to those which currently exist and, in my judgement, their value would be much diminished. At present the view from Jumpers Road is framed by the flat pointed arch of the gateway through the Porters' Lodge. Not only is this arch a well detailed feature in its own right, but the modest height and scale of the Porters' Lodge building means that it does not compete visually with the view of the Master's House. The latter is a significant component of the conservation area, as a remnant of the former hospital and, in my assessment, the introduction of a dominant three storey building to the foreground of the Master's House would interfere with and greatly diminish this aspect of the conservation area.

30. Change is not necessarily harmful, however, in this case no clear reason or justification, other than consistency with the general approach of the completed part of Regency Park, was given for adopting the proposed design approach. In my judgement the proportions, scale and elevational treatment of the proposed new buildings would seriously detract from the existing character and appearance of the conservation area, replacing existing attractive buildings (the impact of which is conspicuous yet subtle and restrained) with a range of visually dominant and architecturally unaccomplished buildings.

31. I turn briefly to the impact of the proposed development on the character and appearance of the remainder of the conservation area, as newly defined by the recent residential development. The proposed form, scale, proportions and general appearance of the elevations facing that development would correspond with and thus would respect that development. Equally the layout and general arrangement of the development would reflect that of the adjoining housing. Thus it would preserve the character and appearance of that aspect of the conservation area. To be clear, therefore, my concerns are that the proposals fail entirely to respond to the discernible nature of the character and appearance of that part of the conservation area which is defined by the residual remaining buildings which they would replace in this part of the conservation area.

32. Accordingly, I conclude that the development would harm, and would therefore neither preserve nor enhance, the character and appearance of the Christchurch Hospital Conservation Area for the reasons I have given. Thus it would not comply with policies 1.5 and 6.6 of the Structure Plan, policy H of the Deposit draft Structure Plan and policies BE1 and BE3 of the draft Deposit Local Plan.

33. However, in view of the fact that I have found that there are no sustainable grounds on which to resist the proposed demolition of the existing buildings, I see no reason why conservation area should not be granted and I conclude accordingly. The consent should be subject to a condition, as provided for by Section 17 (3) of the Planning (Listed Buildings and Conservation Areas) Act 1990, requiring that the demolition should not take place until such time as planning permission has been granted for the redevelopment of the site and a contract let for that development. Conditions would also ensure that the necessary reinstatement works on the Boardroom resulting from the demolition of the adjacent buildings would be properly secured, so as to maintain its appearance and that a survey of the buildings could be made for local historical records. I shall amend the suggested conditions so as to accord with the requirements of Circular 11/95.

Affordable Housing

34. As submitted to and determined by the Council, the proposed scheme represented 55 No houses and flats of various sizes, ranging between 1 Bed flats and a 4 Bed house. None of these were assigned as affordable housing, nor is there any evidence before me that the Council approached your client in the course of the application to advise that it required a proportion of the dwellings to be affordable. Nonetheless, you did not dispute that, based upon the Council's published Housing Need Study and policy H8 of the draft Local Plan, there is a need for such accommodation locally and that the appeal site is one which is suited for such development and on which that need should be taken into account. Accordingly your client completed a Unilateral Undertaking under Section 106 of the Town and Country Planning Act, 1990, prior to the inquiry, in which it is intended that 10 units would be made available as affordable housing.

35. The Council's main concerns with this arrangement were, essentially, that the terms of the Undertaking are inadequate to ensure that the dwellings would be secured, that the number represented only 18% of the total dwellings proposed and that the proposed tenure was not appropriately matched to the local requirements. On the first of these matters, whilst there is nothing in the Undertaking to confirm that a registered social landlord (RSL) would necessarily come forward, this need not be a fundamental shortcoming. However, although I acknowledge your argument that it would not be in the Appellant's interests to leave such dwellings deliberately unbuilt or unoccupied, there is no enforceable covenant requiring it to secure an arrangement with an RSL as an inherent part of the proposed development or to make alternative provision if an RSL were not to come forward. In this respect the Undertaking would not satisfy the advice in paragraph 33 of Circular 6/98. Of equal concern, is that there is no commitment within the Undertaking to the timing of the provision of the affordable homes.

36. Turning to the second matter, you did not dispute that the Borough is constrained from significant outward development by Green Belt and that there are consequently few opportunities for the provision of affordable homes on the larger sites to which the policy applies. Neither did you argue that the figure of 30% adopted in the emerging Local Plan for the provision of affordable homes (as a proportion of the total of new homes) was inappropriate for the Borough as a whole. Putting these two factors together it is clear to me that, whilst the 30% figure is a broad strategic one, there would need to be confidence that, if a substantially lower proportion were achieved on one major site (such as the appeal site), this would not threaten the strategy as a whole, since the opportunities for achieving contributions to that total are limited. Clearly the figure of 18% is very substantially below the Borough-wide 30% target. You acknowledged that it was not one which is based upon your own assessment of the provision of affordable housing elsewhere in the Borough to date or of the remaining potential of other sites. Rather it is a figure which your client regards as reasonable in the absence of negotiations with the Council. In this light I do not place significant weight upon it in the light of the identified needs of and constraints upon the Borough.

37. Finally on the third matter, the Circular and policy H8 of the emerging Local Plan indicate that affordable housing policies should be applied irrespective of tenure. Despite the Council's concern that the local identified need is primarily for rented accommodation, it acknowledged that there is also a need for shared equity homes and that a substantial proportion of those in need locally would be able to afford such accommodation. Notwithstanding this acknowledgement, I conclude that it does not outweigh my findings on the other two matters and that the proposed development, including the Unilateral

Undertaking, does not make appropriate provision for affordable housing and thus does not comply with policy H8 of the emerging Local Plan. With these findings and uncertainties in mind, I consider that the matter could not be adequately dealt with by a condition if I were minded to allow the appeal.

Open Space

38. This issue was argued by way of close examination of the available areas of amenity, recreational and children's play space provided within the site. Comparisons were made between the appeal proposals, Regency Park and an earlier proposal (App No 8/97/0519F). It was not in dispute that there is a need for such space within the appeal site and that it should include provision for a "toddlers' play space", as proposed. It was also common ground that the appeal proposal and the earlier proposal fall short when measured against the NPFA standard referred to in the draft Local Plan, although the degree to which they fall short depends upon precisely which areas are included in the calculation. For this calculation, incidentally, I accept that the entire redevelopment site is the appropriate area to address since, for the purposes of access to open space, Regency Park and the appeal site may reasonably be regarded as one.

39. The difference between your computation of a shortfall of 0.39ha and that by the Council of 0.69ha is significant. I recognise that the figures are not materially different to those for the previous proposal, which the Council did not apparently regard as inadequate. However, the nature of that proposal as originally submitted, involving an element of housing for the frail elderly and lower density development (in terms of bed-spaces), was materially different to and not, in my judgement, comparable with the appeal proposal.

40. Looking at the merits of the proposal before me, by their nature many of the units are likely to be occupied by families. Although the houses fronting onto Jumpers Lane would have small enclosed rear gardens, these would be north-facing and, as the Council suggested, would be unlikely to provide sufficient amenity or recreational space for the needs of families. Open space at the eastern edge of the site, relating to the flats, would be limited essentially to the narrow shared amenity area between the building and the adjacent roads. There would no direct access to this land from the ground floor units and, because of its cramped proportions and position in relation to the roads, it would not in my judgement represent meaningful amenity or recreational open space which could be enjoyed by the residents. For the same reasons the narrow buffer strips between the rear of this block (10B) and the car parking area which would serve it, would be of little amenity and no recreational value.

41. Turning to the matter of the toddlers' play space, although I do not regard this as insufficient in area, its shape, limited width and location at the extreme edge of the proposed development next to a car park would be unsatisfactory. It would be separated from the adjoining houses and flats to the west and north by a tall fence and would be approached either via the car park or along Jumpers Road. I acknowledge that detailed design could provide a measure of security and safety, but I am of the view that it would nevertheless be difficult to supervise the children for whom it is intended and is thus not well located in the overall development. Moreover, the quality and utility of the play area would be severely compromised, firstly, by the very close proximity of both a sizeable car parking area and the adjoining Jumpers Road, secondly, by the narrow "L" shape of the space and, thirdly, by the presence of the trees which are shown as being retained on the deposited layout plan.

42. In the light of the above findings I conclude that the proposed development would make inadequate provision for amenity and recreational space (including children's play area) and would thereby fail to satisfy policy 41 of the Structure Plan and policy L22 of the Deposit draft Local Plan.

Car Parking

43. Although the appeal scheme is described as Phase III of the re-development of the former hospital site, this is not a reference to any overall master plan. The previous phases have been the subject of separate planning permissions, when car parking standards will have been applied according to the merits of the proposals then before the Council, and the current proposals relate to a discrete site. Accordingly I must judge the provision of car parking for the proposed development on the basis of the proposals before me, rather than on the basis of the overall provision to be made within the entirety of the former hospital site.

44. Part of the application includes the retention of the former Boardroom as a community hall. Principal access to that building would be from Jumpers Lane, where a layby has been recently constructed, pursuant to the requirements of a Section 106 Agreement relating to a previous planning permission (App. No. 8/96/0164F). I note that the Council envisaged that the 17 spaces created by the layby would be available to users of the community hall, whereas it is clear to me from the terms of that Agreement that they would also be available to residents of the proposed houses. This difference of interpretation accounts for your inclusion of the 17 spaces in your calculations and the Council's argument that they should not be included. Elsewhere along Jumpers Road and in Regency Park there are no restrictions upon on-street parking. At my visits I saw that many of the dwellings have some, albeit in some cases limited, off-street provision and that there is at present little pressure on the available on-street local parking spaces, though I recognise that the earlier phase of your client's development has yet to be fully occupied.

45. Both you and the Council agreed that the DCC parking guidelines are those against which the proposal should be assessed. The County Council had not been consulted on the appeal proposals, though it had not objected to the previous proposal, which originally incorporated residential and sheltered accommodation (App. No. 8/97/0519F). Although reference is made in paragraph 7.109 of the Deposit draft Local Plan to compliance with the Council's parking standards, the DCC guidelines have not been formally adopted by the Council. Nevertheless they may be regarded as supplementary planning guidance (SPG) and given some weight according to the advice in paragraph 3.19 of PPG12. The Council acknowledged that it is reasonable to apply such guidelines flexibly, according to the nature and location of the development proposed.

46. The appeal site lies a short distance to the north both of Christchurch town centre and of the town's railway station: there was no dispute that its accessibility to public transport is therefore good. Accordingly it is reasonable to consider the principle set down in paragraph 4.6 of PPG13, *Transport*. This indicates that, in such locations, reduced and flexible requirements for off-street parking should be applied and higher requirements on developers' requirements should not be imposed, unless there are significant road safety or traffic management implications. On the basis of the DCC standards the Council argued that 143 spaces are required, whereas 99 spaces are proposed (ie setting aside the 17 spaces in the layby). Your client's scheme incorporates 116 spaces (including the 17 space layby) which you argued would be sufficient, representing a 27 space shortfall.

47. Depending upon the basis of calculation adopted (ie whether or not to include the 17 layby spaces) the shortfall would be either 31% or 19%, although in the latter case I would have to discount the possibility that any of the spaces would be used for the community hall purposes, which is also part of the proposal before me. Setting aside the clear inadequacies implicit in the S.106 Agreement referred to above, which is not a matter for me to resolve, a reasonable and sensible approach to this matter would be to assume that both the users of the community hall and the occupants of the houses would use the layby equally, since neither group has sole right to use it. Accordingly I shall assume that this would result in 107 or 108 spaces for the proposed houses, representing a 25% shortfall below the guidelines.

48. This deficit is certainly not insignificant. However, in the light of the passages in PPG13 to which I have referred, and of the acknowledged need for flexibility in applying the guidelines, it is not in my view one which would be unreasonable, because of the close proximity of the site to the town centre, the railway station and other public transport facilities. With regard to the use of the community hall, given the above accessibility considerations and the fact that it is intended to serve a local community, the Council gave no evidence to contradict your view that the use of the hall would not lead to substantial vehicle usage: a view which I share. For me to have reached the view that the proposed overall provision of car parking would be inadequate would have required evidence that a deficit of the above order would result in cars being parked in surrounding roads with consequent dangers to road users and interference with the passage of vehicles along the local highway network. Although the Council expressed concerns that parking would take place in Jumpers Road and other local roads, it brought no specific or convincing evidence that this would be the case. Accordingly, I conclude that the proposed level of car parking would be acceptable and would satisfy policy 1.5 of the Structure Plan and Policy H13(4) of the draft Local Plan. However, this conclusion does not outweigh the harm which I have identified in my conclusions on the first three issues.

Other Considerations

49. You argued that the Council, in considering an earlier application for a different form of redevelopment of the site, had adopted a different approach. This had resulted, in your submission, in recommendations in favour of that scheme and resolutions to approve the proposals, subject to refinement of details. You argued that these matters had been addressed by your client prior to the Council's refusal of planning permission and conservation area consent subject of the current appeals. I have carefully considered these arguments and have noted the relevant correspondence. I have also noted the Council's assertion that these do not record the totality of the negotiations, meetings and discussions which took place over all of the applications. These involved your client's managing director and an architect previously employed on this scheme. Although the Council produced no documentary evidence pertaining to those meetings and telephone conversations, neither did you produce any evidence to refute the Council's assertion. In my judgement, therefore, this is not a matter on which my decision on the merits of the current appeal can turn.

50. I have considered all of the other matters before me, including the reference to the Council's Design Brief and your claims concerning the association of the Council's refusal of the applications with the terms required by your client for the provision of the Boardroom as a community hall. However, on the first of these matters I consider that the Brief can carry very little weight, its provisions having been substantially set aside already by the Council in its granting of planning permission for the remainder of the hospital site and in its acknowledgement that the remaining buildings do not warrant retention. On the second matter no persuasive evidence that such an association was made by the Council was

presented to me. I have also noted your view that the alternative to the current proposals will be continuing disuse of the buildings. However, for the reasons given above, neither these matters nor any others outweigh those considerations which have led me to my decisions.

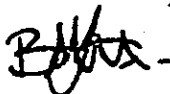
Decisions

51. For the above reasons, and in exercise of the powers transferred to me, in respect of Appeal (A) I hereby allow your client's appeal and grant conservation area consent for the demolition of the existing buildings, with the retention of the Boardroom and the rebuilding of part of its front entrance and making good of the side walls following the permitted demolition, on land fronting Fairmile Road and Jumpers Road (formerly part of Christchurch Hospital), Christchurch, in accordance with the terms of the application No 8/98/0462U (dated 26 August 1998) and the plans submitted therewith, subject to the conditions that:

1. The works hereby permitted shall be begun before the expiration of five years from the date of this consent.
2. Before any part of the buildings subject of this consent is demolished a scheme for the recording of the buildings shall be submitted to and approved in writing by the local planning authority. Thereafter no part of the building shall be demolished until it shall have been recorded according to that scheme.
3. No part of the buildings subject of this consent shall be demolished until (a) a contract for the carrying out of works of redevelopment of the site shall have been made, and (b) planning permission shall have been granted for the redevelopment for which the contract provides.
4. Before any demolition works commence drawings and specifications illustrating the reinstatement of the side walls and details of the timing of these works (following the permitted demolition) and the rebuilding of the front entrance shall be submitted to and approved in writing by the local planning authority. The works shall thereafter be carried out in accordance with the approved drawings, specification and timing.

52. For the above reasons, and in exercise of the powers transferred to me, I dismiss Appeal (B).

Yours faithfully



B M LINSOTT BSc MRTPI
Inspector

Refs: T/APP/E1210/E/98/1013777/P7
T/APP/E1210/A/98/1013775/P7

APPEARANCES

FOR THE APPELLANT

Mr C Lockhart-Mummery QC

- of Counsel, instructed by Mr R Tilley

He called:

Mr R Tilley MRTPI MI Mgt

- Tanner & Tilley, Chartered Town Planners, 4 Beresford Road, Bournemouth, Dorset, BH6 5AA

FOR THE LOCAL PLANNING AUTHORITY

Mr J Pugh-Smith

- of Counsel, instructed by Mr D Fairburn BSc(Hons) MA, Borough Solicitor

He called:

Mr A R N Scott DipArch DipTP
ARIBA FRTPI

- Tony Scott Planning and Design, Esh Villa, Esh Winning, Durham, DH7 9PL

Mrs J Taylor-Lee LLB(Hons)

- Housing Enabling Officer

Mr J G Montgomery FRICS MRTPI

- Assistant Director, Development Services

INTERESTED PARTIES

Mrs S L Newman

- Christchurch Local History Society, c/o Mrs C Medicott, 40 Colbourne Close, Bransgore, Christchurch, Dorset, BH23 8BW

Mr E M Cockain MRTPI ARIBA MIHBC -

Christchurch Citizens Association, c/o Mr J White, 11 Freda Road, Christchurch, Dorset, BH23 1LY

RESEARCH AND INTELLIGENCE TEAM
FORWARD PLANNING SECTION
DIRECTORATE OF PLANNING AND CONSERVATION

Residential Permissions (1992 to May 1999)

This data has been taken from the Decisions Analysis database. The Decisions Analysis Database contains details of all planning applications resulting in a gain or loss of non-residential floorspace or a gain or loss of residential units. The data is maintained by the Research and Intelligence Section and is constantly updated. The information from this database is used as the basis of providing details of residential permissions to a number of agencies including the LRC, LPAC Housing Returns, and the DETR PS3 returns.

Permissions for Residential (1992 to May 1999)

	<15 Units		15+ Units		Total	
	No. of Applications	Net Gains in residential units	No. of Applications	Net Gains in residential units	No. of Applications	Net Gains in residential units
1992	308	91	0	0	308	91
1993	265	196	7	165	272	361
1994	284	301	9	521	293	822
1995	302	233	13	423	315	656
1996	312	84	10	561	322	645
1997	366	257	9	504	375	761
1998	342	114	4	382	346	496
1999	125	65	4	152	129	217
Total	2304	1341	56	2708	2360	4049

Permissions for Affordable Housing (1992 to May 1999)

	<15 Units		15+ Units		Total	
	No. of Applications	Net Gains in residential units	No. of Applications	Net Gains in residential units	No. of Applications	Net Gains in residential units
1992	3	7	0	0	3	7
1993	0	0	12	97	12	97
1994	0	0	21	492	21	492
1995	0	0	15	85	15	85
1996	0	0	9	66	9	66
1997	0	0	12	250	12	250
1998	5	-6	1	52	6	46
1999	0	0	1	15	1	15
Total	8	1	71	1057	79	1058

NB: All permissions for residential development are included until the end of May 1999. All Granted Planning Permissions and Allowed Appeals resulting in a gain or loss of residential units are included in the figures.

RESEARCH AND INTELLIGENCE TEAM
FORWARD PLANNING SECTION
DIRECTORATE OF PLANNING AND CONSERVATION

Residential Completion's (1992 to June 1998)

This data has been taken from the RIMS database. The RIMS survey is a physical survey of all residential sites within the Royal Borough conducted on an annual basis. The survey includes all properties with planning permission and allowed appeals resulting in either a loss or gain of residential units from the Decisions Analysis database. The stage of development of the site is recorded according to one of several classifications: i) Not Implemented, ii) Under Construction iii) Completed.

The RIMS Database is the most comprehensive source of data relating to residential completion's and is used as the basis of LRC, LPAC and DETR returns.

Residential Completion's (1992 to June 1998)

	<15 Units		15+ Units		Total	
	No. of Sites	Net Gains	No. of Sites	Net Gains	No. of Sites	Net Gains
1992	166	224	5	153	171	377
1993	114	151	6	991	120	1142
1994	93	167	3	60	96	227
1995	116	200	4	97	120	297
1996	101	161	6	158	107	319
1997	106	154	9	455	115	609
1998	151	214	7	134	158	348
1999	n/a	n/a	n/a	n/a	n/a	n/a
Total	847	1271	40	2048	887	3319

Affordable Housing Completion's (1992 to June 1998)

	<15 Units		15+ Units		Total	
	No. of Sites	Net Gains	No. of Sites	Net Gains	No. of Sites	Net Gains
1992	0	0	0	0	0	0
1993	3	11	0	0	3	11
1994	5	35	2	40	7	75
1995	12	23	2	64	14	87
1996	11	25	5	162	16	187
1997	5	-23	2	314	7	291
1998	5	10	2	38	7	48
1999	n/a	n/a	n/a	n/a	n/a	n/a
Total	41	81	13	618	54	699

**SITE OF FORMER THAMES WATER RESERVOIRS
AND WATER TOWER HOUSE**

CAMPDEN HILL ROAD, KENSINGTON, LONDON, W8

APPEALS BY ST JAMES HOMES LTD

**APPENDIX TO PROOF OF EVIDENCE
OF ISIDORE MARGARONIS**

Planning Inspectorate References:
APP/K5600/E/99/1016054
APP/K5600/A/99/1022704

INDEX OF CONTENTS

1. Plan showing position of Isidore Margaronis' house, No. 26 Aubrey Walk.
2. Notice produced by the Campden Hill Lawn Tennis Club and displayed at the Club House.
3. Various photographs of cars belonging to Tennis Club members parked in contravention of the Notice at tab 2.
4. Bundle of correspondence with the Campden Hill Lawn Tennis Club.

CLUB RULES FORBID PARKING IN THE DOTTED AREA





Tennis club members parking opposite 16 Aubrey Walk.



Car belonging to Mr C. Foster, Chairman of Computer HTI
Tennis Club, in Abbey walk in restricted area



Mr Foster's car parked in restricted area in Abbey
Walk.

26 AUBREY WALK
LONDON W8 7JG
071-229 4157

6/5/92

Dear Sir,

Tennis Club Parking in Aubrey Walk

I am writing to you again as absolutely no notice has been taken either of my last letter or of my numerous complaints to both the staff and members of the club. As I said in my previous letter, it is not in either of our interests to have any sort of dispute, but I feel that I must again remind you of the problem. The forecourt outside 26 Aubrey Walk is private property and is not the tennis club short term or long term carpark. Although I don't have to justify how I use my forecourt I would make the following points. Both my wife, who is a doctor, and I, need 24 hour access to the garage. It is not acceptable to start looking for the owner of each car that is dumped on our property when we suddenly find we need to get out. This means that we must pursue every vehicle as soon as it is left there, as there is no way of knowing who the owner is and for how long the vehicle will be left there. I have even come back from a business trip to find a club member of staff had left his car there overnight! You will appreciate that it would be simple for us, rather than coming over to the club and wasting time looking for yet another thoughtless member, to phone the police and say "there is an unknown car blocking a doctor's garage". The result would be rapid and possibly rather expensive. I don't want to do this but I am really fed up with the situation, and especially so with your staff who might be expected to behave better.

Yours sincerely,

Isidore Margaronis

**26 AUBREY WALK
LONDON W8 7JG**

tel: 0171-229 4157

fax: 0171-229 3213

The Chairman
Campden Hill Lawn Tennis Club,
9 Aubrey Walk
London
W8 7JG

2/5/97

Dear Larry,

Members' Cars Parking in Aubrey Walk

I am writing on behalf of a number of the residents of Aubrey Walk to express our concern at the activities of an increasing proportion of Club members. There has always been a problem with members wishing to conserve their energy for the courts by parking as close to the club as possible— some, one feels, in their desperation to save themselves a walk, would park on the courts if this were physically possible. Recently however, the problem of parking on private forecourts has got a lot worse. Most park only for a short time but there is no way of knowing which these will be so you have to chase them all off to avoid finding they have 'forgotten' and gone off to the restaurants in Notting Hill Gate. It is also incredibly annoying to arrive home and not be able to park on your own property without having to come into the club and drag out some inconsiderate individual who cannot be bothered with club rules. Most complain that they were 'only there for 5 minutes' (usually 25) or 'But I wasn't blocking your garage' What seems to escape them is that twenty people each parking on your forecourt for 15 minutes or even five minutes each day is cumulatively a very serious nuisance. We all paid good money for our forecourts and they are not there for Club short term or long term parking. One sub-group who are a particular problem are parents (the politically correct term for mainly mothers) delivering and collecting their offspring. They often not only trespass but also sit there tooting repeatedly. This is an offence in a stationary vehicle but more importantly a real imposition when carried out by many vehicles every evening.

Some of the residents have muttered darkly of buying wheel clamps. Others have

suggested that the club should keep a register of members' cars and fine members who park in the proscribed streets as designated by the sign on the front of the club. (The sign might as well be in Chinese for all the notice anyone takes of it!) What is certain is that the club must look after its relations with its immediate community if it is to be certain to retain its goodwill and support in the difficult period ahead.

Yours sincerely,

Isidore Margaronis



IM 4.3

THE CAMPDEN HILL LAWN TENNIS CLUB

9 Aubrey Walk, London W8 7JH
Tel: 0171-727 4050 Fax: 0171-792 0394
Email: stokes@chltc.prestel.co.uk

12 November 1997

Dear Member,

THAMES WATER MEETING AT THE CLUB 4 DECEMBER

The single most important event in the 100+ history of CHLTC is the decision by Thames Water to declare the reservoirs redundant. As you know, the tennis club sits on top of two Victorian reservoirs which are now surplus to Thames' requirements and they have been looking at alternative uses for the site. If you have followed the Minutes of Committee Meetings over the last 18 months or attended the AGM on 10 October, you will know that Thames are working on a proposal for a partial redevelopment of the reservoirs. James Tuckey and John Miles have attended a number of meetings at which we have been told that Thames are in partnership with Berkeley Homes plc, a residential developer, and that they intend to apply for planning permission this year.

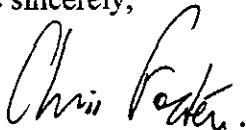
Thames' preliminary proposals involve the demolition of the eastern reservoir (closest to Campden Hill Road) and the retention of the western reservoir which would leave only six tennis courts on the surface of the retained reservoir. The cleared eastern reservoir site and the old water works would be redeveloped to create residential accommodation. They are also investigating alternative uses for the reservoir space under the retained western reservoir. A car park and leisure/heath club are being considered.

If these proposals were to be implemented, CHLTC would cease to exist as we know it. A club with six courts, possibly integrated with a leisure/fitness facility would be a very different place to the club we have all been associated with.

Thames are hoping to secure approval for their proposal but they face a number of formidable obstacles. First, the tennis club. We have been around for a long time and hold a lease from Thames but with very short tenure and we are not permitted by the lease to oppose our landlords application for planning permission. However, Thames are keen to persuade us to co-operate. Second, Planning. The local plan designates the tennis courts as open space and it is an important part of Kensington & Chelsea's planning policy to retain all public open space of which there is an obvious shortage within the Borough. Apart from planning use, traffic access is a further obstacle. Third, local residents. The Campden Hill Residents Association and the residents of Kensington Heights (the large block of flats to the east of the tennis club fronting Campden Hill Road) will be severely affected by any redevelopment of even part of the reservoirs. It is quite likely they will oppose Thames' proposals.

The Committee have made it clear to Thames that the Club's preference would be to be left alone and allowed to continue running the tennis club with all the community benefits associated with our activities. However, life is not that simple and Thames have an obligation to their shareholders to ensure that the company's assets are put to good use. The Committee, as your representatives, have not formed a view as to how they should respond to Thames' proposals. It is vital that we hear from you before reaching a conclusion. Thames have offered to come to the Club and make a presentation of their proposals and hear the opinions of members. The meeting will be held at the Club on **Thursday, 4 December 1997 at 7:00 PM** and I urge you to come and hear what Thames have to say and make your views known. This is a most important moment in the Club's history. Please join us at the meeting which will close at 9:00 PM at the latest.

Yours sincerely,

A handwritten signature in cursive script that reads "Chris Foster".

Chris Foster
(Chairman CHLTC)



Copy

IM4.4

THE CAMPDEN HILL LAWN TENNIS CLUB

9 Aubrey Walk, London W8 7JH

Tel: 0171-727 4050 Fax: 0171-792 0394 Email: tennis@chlrc.prestel.co.uk

Mr M.J. French
Executive Director, Planning and Conservation
The Royal Borough of Kensington and Chelsea
The Town Hall
Hornton Street
London W8 7NX

24 February 1999

BY POST AND BY FAX

Dear Mr French

PLANNING APPLICATION - THAMES WATER RESERVOIR SITE, CAMPDEN HILL

There are a few points which we feel should be made in support of the above application so as to clarify matters and avoid misunderstandings which appear to have arisen in some quarters.

1. We hear that we are to have "Championship Courts" and that this will mean that we will have Queens Club style championship matches at our club. Actually, all that "championship" means in this context is "full sized". Our champions these days seem to be of riper years and do not, unfortunately, attract the following of Steffi Graf.

The Committee's intention is that the existing style and organisation of the club should be retained as far as possible.

2. We already have restricted hours. Floodlit tennis stops at 10.00 pm. This will continue. Moreover, improved modern lighting will mean that there will be even less pollution.

3. We are hoping to attract more interest from Holland Park School and if this is forthcoming it might be possible to arrange for direct access from the school. We have 275 junior members and also, various local schools use our courts. There is surely some tennis talent and interest at Holland Park School which we need to unlock. We have had welcome interest from the school in the past, but the interest disappeared with the change in the physical education teacher.

4. As far as the tennis club part of the St James scheme is concerned, the character of the local environment will be maintained. Our club building will look just the same from the road outside. The six courts on the west side will look just as they do now. It is true that there will be residential development to the east, along with more trees and a new square but the development to the east raises the money to pay for our new sports facility, which is a real asset for the community.

5. We are one of the cheapest tennis clubs in terms of membership fees in the borough and indeed, for a regular tennis player, our charges are actually very competitive when compared with the borough's charges for the use of its tennis courts. We are open to all-comers and usually have spare capacity for more members.

6. We already restrict parking in Aubrey Walk. We do not allow our members to park in the narrow street. There is a street-map at the entrance to the club which shows where members can and cannot park. By and large, it has worked well over many years and we have had few complaints from our neighbours.

Yours sincerely



Chris Foster
Chairman

c.c. **Cllr Christopher Buckmaster**
Julia Kyprianou, K&C Leisure Services Manager

444



TMA-S

THE CAMPDEN HILL LAWN TENNIS CLUB

9 Aubrey Walk, London W8 7JH

Tel: 0171-727 4050 Fax: 0171-792 0394 Email: tennis@chltc.prestel.co.uk

29 March 1999

Dear Member

1999 SEASON

Thank you for paying your subscription for 1999/2000 and welcome to the new season. Enclosed is the Club's Handbook. It would be helpful if you could bring it with you when you visit the Club as your proof of membership.

Also enclosed is the entry form for the Club's main tournaments. Please note that the closing date for entries is noon on Friday 23 April.

We are looking forward to the new season but it may be the last that we will be able to play on the 12 courts on top of the reservoirs. You are being kept informed about the progress of the planning application for the redevelopment of our site. St James Homes remains confident of success and if their proposal goes ahead our courts may be closed for up to 2 years at the end of this season while the new court building is being constructed. With this in mind, your Committee intend to do all that is possible to make this season one of the best ever at the Club.

Please see the new Handbook for the social programme and don't forget that Club nights are now on Thursday evenings.

Finally, we hope to see you at the Spring Cocktail Party at the Clubhouse on Friday, 7 May at 7 pm.

With the Committee's best wishes for a great season.

Yours sincerely

Chris Foster (Chairman), Don Anderson, Angela Heritage, Tamale Jacob, Max Lightwood, Candy McMahon, John Miles, James Tuckey, Pippa Walker

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**SITE OF FORMER THAMES WATER RESERVOIRS
AND WATER TOWER HOUSE**

CAMPDEN HILL ROAD, KENSINGTON, LONDON, W8

APPEALS BY ST JAMES HOMES LTD

**APPENDIX TO PROOF OF EVIDENCE
OF SIR BRIAN NEILL**

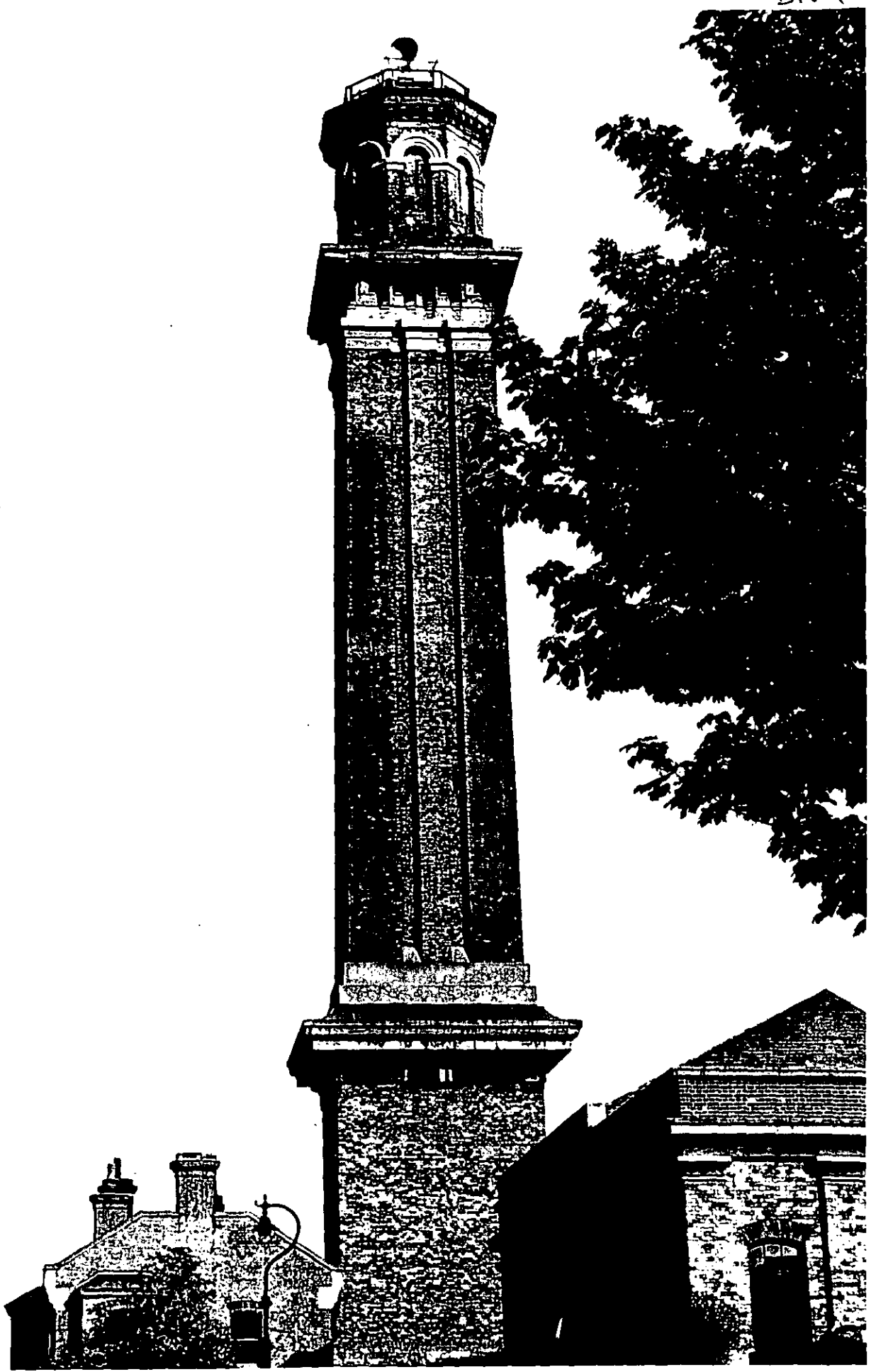
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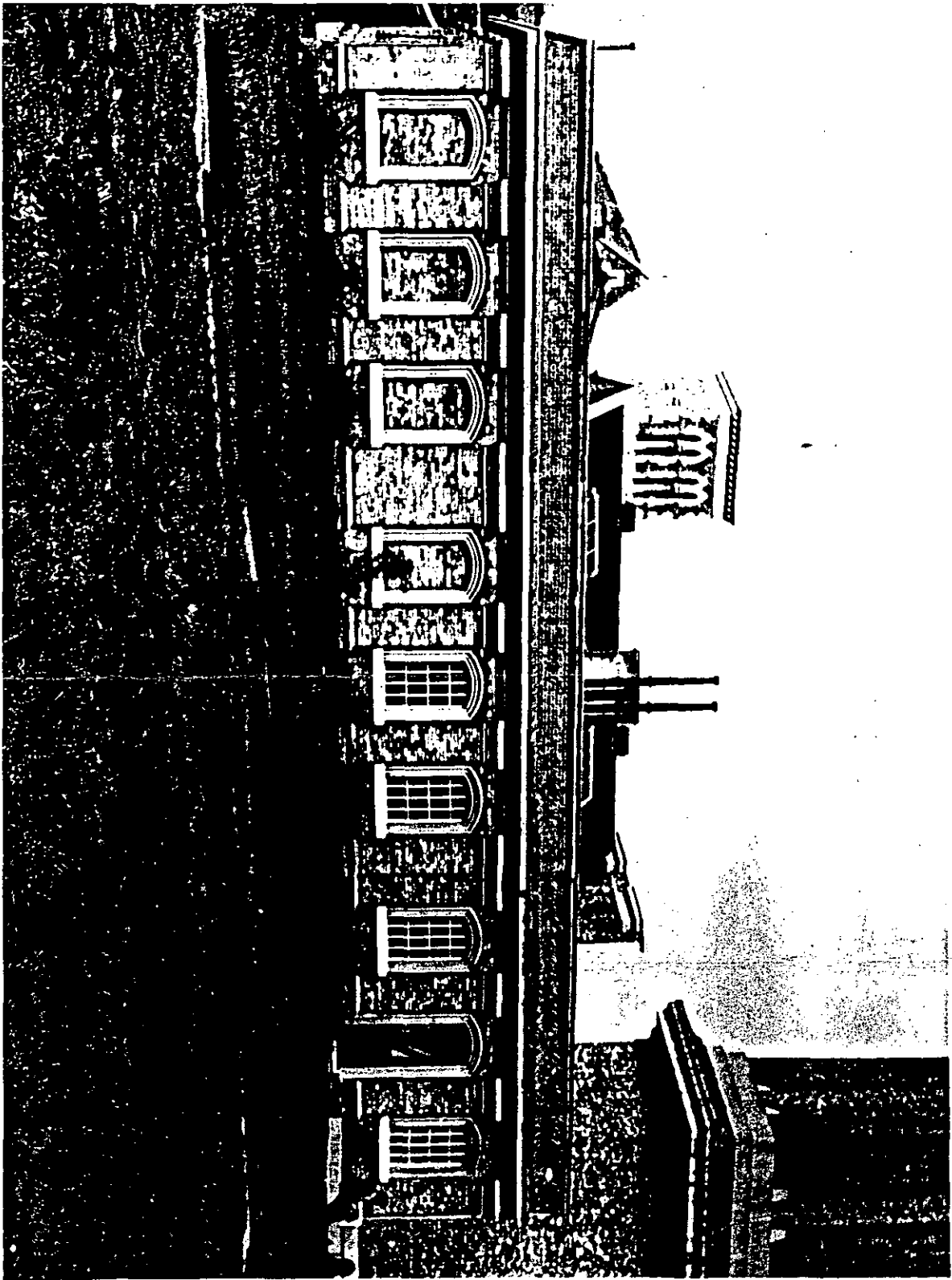
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1. Plan prepared by Alan Baxter & Associates in October 1998 illustrating the historical development of Numbers 2-6 Aubrey Walk.
2. Plan of the development site and surrounding area last revised in August 1961.
3. Photograph taken from Campden Hill Gardens showing the District Foreman's House and the Water Tower (which have been replaced by Water Tower House).
4. Photograph taken from Aubrey Walk showing the District Foreman's House and the Water Tower .
5. Various photographs of the Pump Station.







PHOTOGRAPH SOUTH
 VIEWED FROM
 SOUTH.

BNS-1

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