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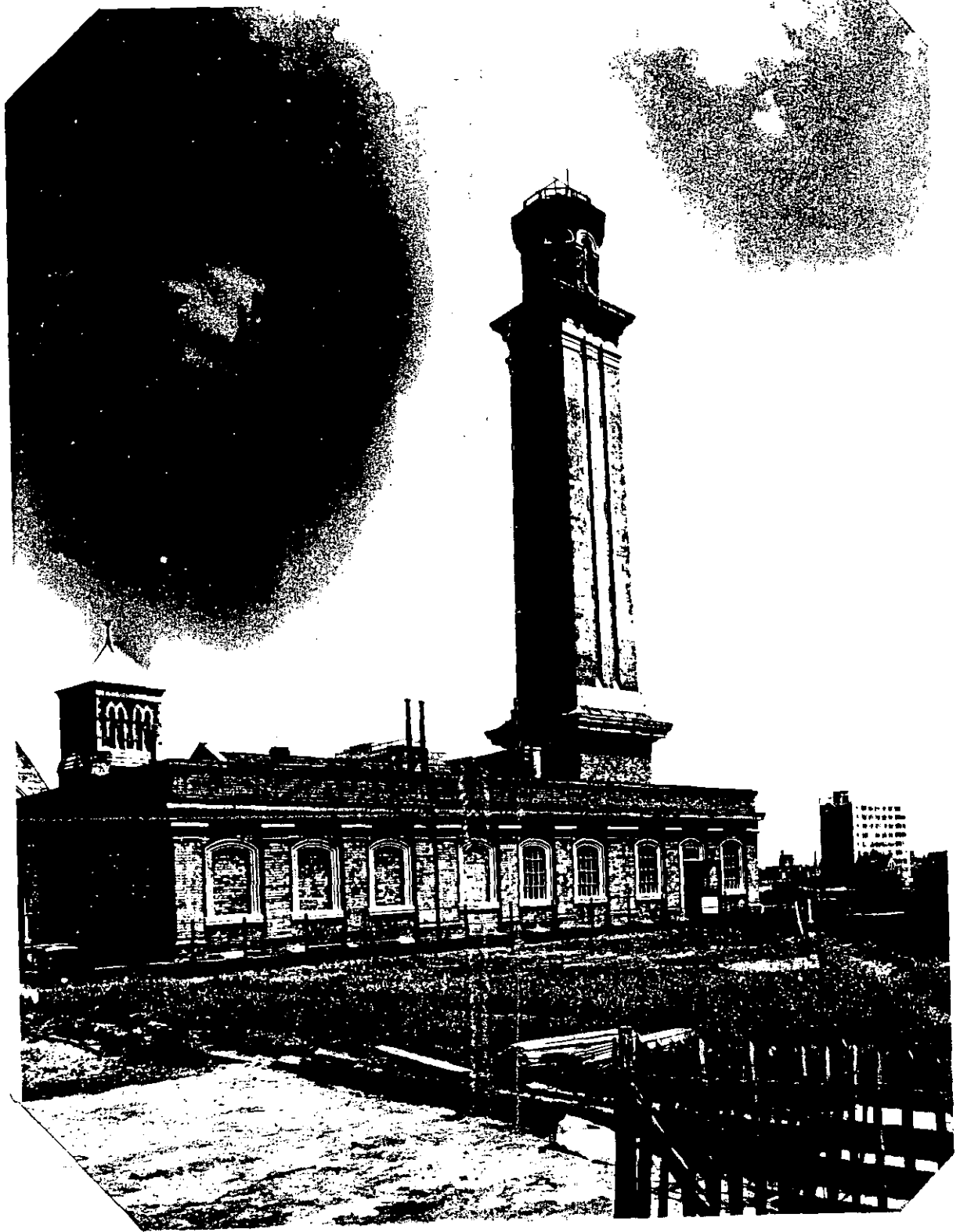
FILE No. TP/99/0733

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

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628.14 Canon
[1965]



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

CAMPDEN HILL ROAD, KENSINGTON, LONDON, W8

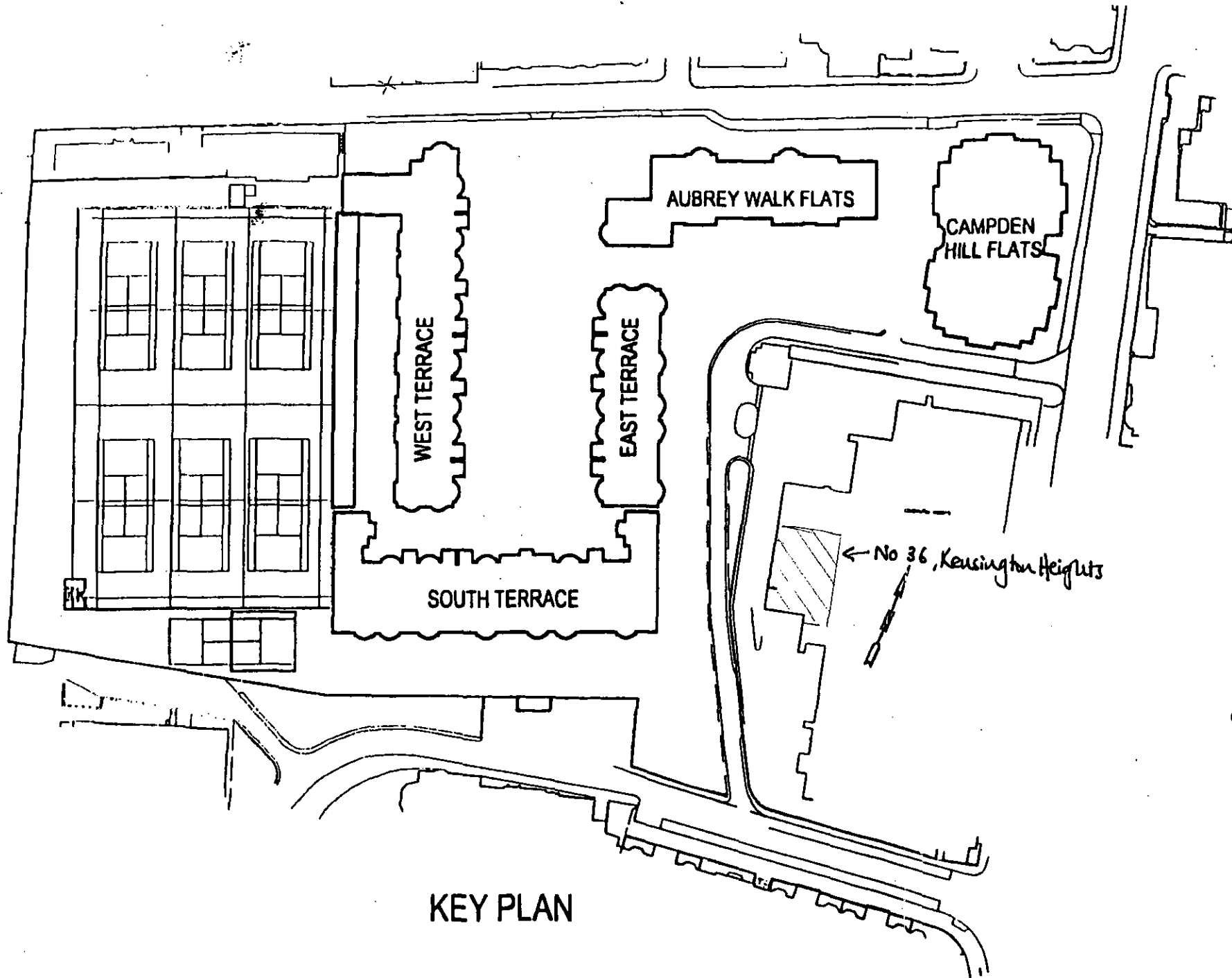
APPEALS BY ST JAMES HOMES LTD

**APPENDIX TO PROOF OF EVIDENCE
OF CHARLES SCOTT**

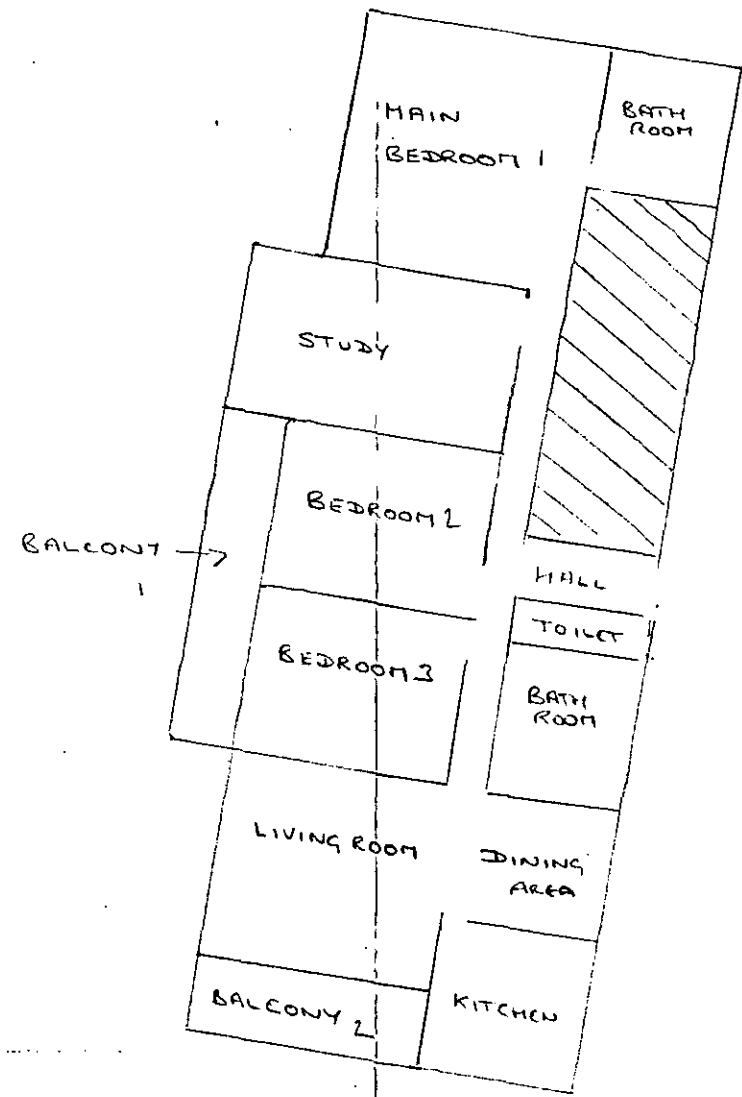
Planning Inspectorate References:
APP/K5600/E/99/1016054
APP/K5600/A/99/1022704

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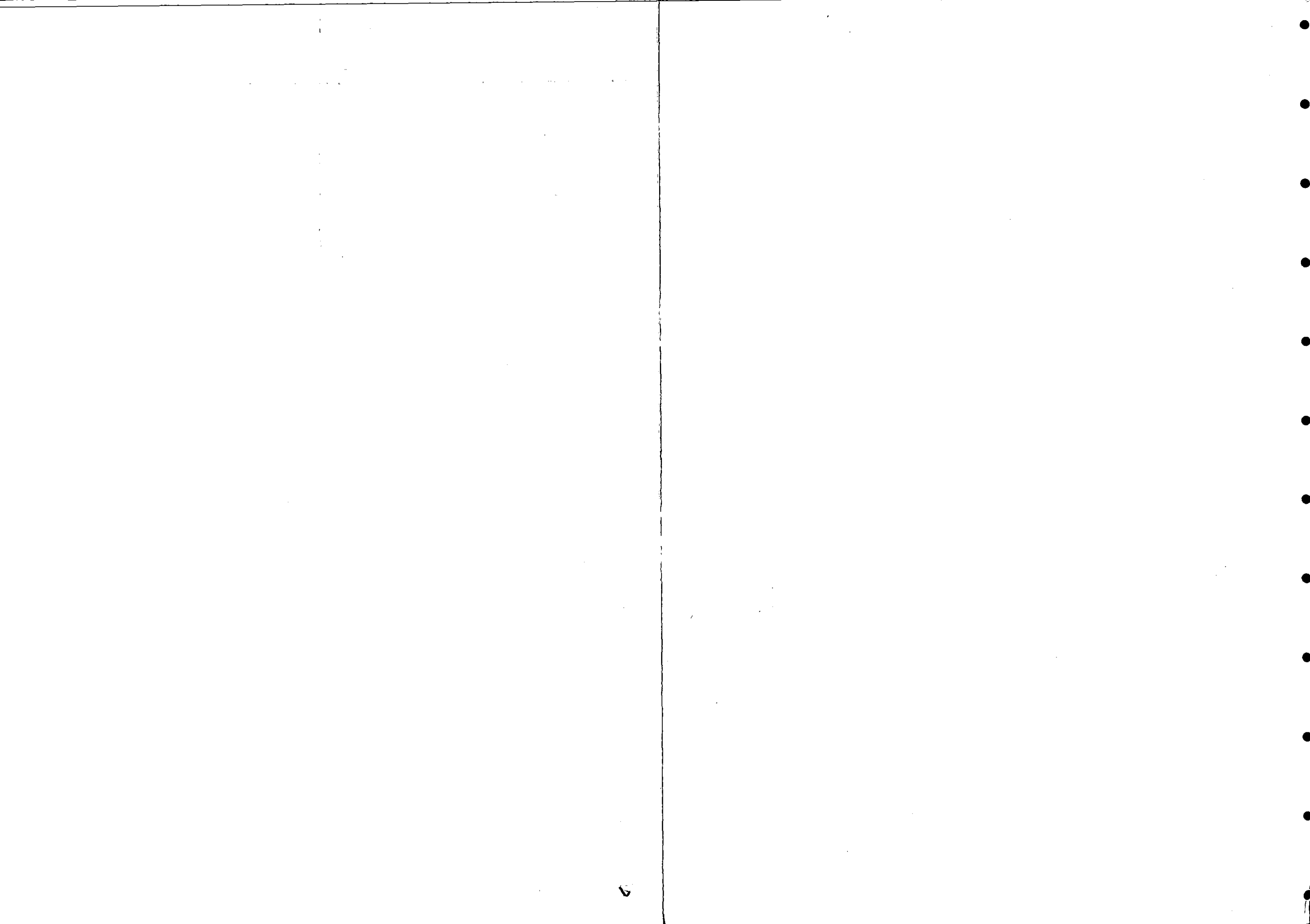
1. Plan showing layout of Charles Scott's flat, 36 Kensington Heights and its position within the building.
2. Photographs taken from various rooms in 36 Kensington Heights.



KEY PLAN



Layout of No. 36,
Kensington Heights.



VIEW FROM STUDY



VIEW FROM LIVING ROOM



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VIEW FROM BALCONY 1



VIEW FROM BALCONY 2





VIEW FROM MAIN BEDROOM



VIEW FROM BEDROOM 2

VIEW FROM BEDROOM 3



MEMORANDUM

FROM: THE EXECUTIVE DIRECTOR OF
PLANNING AND CONSERVATION

TO: DT/DT/HD/PA

MY REF: AD/PV

YOUR REF: A799/1022704

EXTENSION NO.: 2081

DATE: 18.5.99.

FILE NO.: TP/99/0733

APPEAL ON: Camperden Hill Reservoir, C08

I note that the above appeal is likely to be determined by way of:

PUBLIC INQUIRY

20.7.99.

WRITTEN REPRESENTATION

INFORMAL HEARING

START DATE OF APPEAL: 18.5.99.

APPEAL AGAINST: NON-D

=====
 3rd PARTY NOTIFICATIONS DUE: _____
 3rd PARTY NOTIFICATIONS SENT: _____
 QUESTIONNAIRE DUE: 1.6.99.
 QUESTIONNAIRE SENT: 20.5.99
 STATEMENT DUE: _____
 STATEMENT SENT: _____
 RULE 6 DUE: ? DT?
 RULE 6 SENT: _____
 =====

OFFICER PREPARING STATEMENT: DT

OFFICER TAKING INQUIRY: DT

ADMIN: HD/PA

PLANNING AND CONSERVATION

THE TOWN HALL HORNTON STREET LONDON W8 7NX

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

Mr Martin Simms - Group Deputy Managing
Director
St James Group Ltd
Wellington House
209-217 High Street
Hampton Hill
Middlesex TW12 1NP

Switchboard: 020 7937 5464
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Direct Line: 020 7361-2944
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24 September 2003

THE ROYAL
BOROUGH OF



KENSINGTON
AND CHELSEA

My reference:

Your reference:

Please ask for: M J French

Dear Mr Simms

Town and Country Planning Act 1990 - Campden Hill Reservoir Site

Thank you for your letter of the 18th September regarding the provision of the 10 units of affordable housing at Marloes Road. I look forward to the practical completion of a further 24 units at Finborough Road before the year end.

Yours sincerely

M J FRENCH
Executive Director Planning & Conservation



INVESTOR IN PEOPLE



ST JAMES GROUP LTD

PK
Are you happy with this?
Yes.
PK

Our Ref: MS/vjr

M J French Esq.
Royal Borough of Kensington & Chelsea
The Town Hall
Horton Street
London
W8 7NX

EX DVR	HDC	TP	CAC	AD	CLU	AG AK
R.B. K.C.	19 SEP 2003			PLANNING		
N	C	SW	SE	APP	IO	REC
<i>FK</i>			ARB	FPLN	DES	FEEs

18th September 2003

Appeal Decision Ref: - APF/K5600/A/01/1062761
RBK&C Ref: - PP/01/00349 and DPS/DCC/TP/99/0733

Dear Mr French,

Re: Campden Hill Reservoir Site, Aubrey Walk W8 and Marloes Road, W8

I refer to the above-mentioned developments and in particular to the Deed of Undertaking dated 17th August 2001 relating to the provision of affordable housing units for Campden Hill to be provided off site at Marloes Road, W8 and Finborough Road, SW10.

I am pleased to advise that Practical Completion of the 10 dwellings at Marloes Road took place on 5th September 2003 and the units were handed over to Notting Hill Housing Association.

We anticipate PC of the 24 units at Finborough Road to take place in December 2003 and I will advise you when that event occurs.

I would be grateful if you could acknowledge receipt of this letter.

Yours sincerely,

Martin Simms
Group Deputy Managing Director

cc: T Wasikowski
P Prichard
E Pinchin

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ST. JAMES GROUP LTD.

WELLINGTON HOUSE, 209 - 217 HIGH STREET, HAMPTON HILL, MIDDLESEX TW12 1NP
TELEPHONE: 020 8783 2500 FACSIMILE: 020 8783 2666 WWW.STJAMESHOMES.CO.UK

**CAMPDEN HILL RESERVOIRS AND WATER TOWER HOUSE SITE AT
AUBREY WALK AND CAMPDEN HILL ROAD, KENSINGTON, W8
APPEAL BY ST. JAMES HOMES LIMITED
PRE-INQUIRY STATEMENT OF THE ROYAL BOROUGH OF
KENSINGTON AND CHELSEA**

1.0 INTRODUCTION

- 1.1 This is an appeal against the Royal Borough's failure to determine, within the statutory period, an application for conservation area consent for demolition of the existing reservoirs, ancillary buildings, and two residential blocks, and an application for planning permission to redevelop the site to provide 19 houses, 48 flats, a tennis club with 13 courts, and underground parking for the houses and flats.
- 1.2 It is understood that the applications to be considered at the Inquiry are the applications the subject of the second appeal (Council's ref. PP/99/0733&4), the first appeal (Council's ref. TP/98/2126&7) having been withdrawn. This pre-Inquiry statement is prepared on that basis.
- 1.3 This pre-Inquiry statement is being submitted on a without prejudice basis as the appeal applications have yet to be considered by the Council's Planning Services Committee. This statement will be amended, if necessary, after the Committee's consideration of the application when it meets on 8th June 1999.

2.0 THE APPEAL SITE AND ITS SURROUNDINGS

- 2.1 This site currently contains two, disused, brick built, covered Victorian reservoirs, with 12 tennis courts on their roof, with the structures themselves being partly above ground level and partly below. The reservoirs cover approximately 75% of the site area, and are partly above ground and partly recessed with the top of their ground slab at a height of 34.6m and their roof at a height of 42.5m.
- 2.2 The site also includes a block of 15 residential flats for water authority staff ("Water Tower House"), a further, smaller Water authority block of three flats at 3,5,7 Aubrey Walk, a pump room building (being the former engine house), and ancillary buildings of 625 sq.m, water authority offices of 702 sq.m, and trees and soft landscaping particularly around its perimeter. The water tower from which the block obtains its name was demolished in 1970.

- 2.3 The greater site covers an area of 1.56 hectares, located to the West of Campden Hill Road. The site is bounded by the Aubrey Walk and Aubrey House to the North and West, Campden Hill Road and the flats of Kensington Heights to the East, and Holland Park School to the South.
- 2.4 If the tennis courts above the reservoirs roof structures are counted as "open space", then approximately 81% of the site is currently open space. The site is recorded in the Council's register of Open Space.
- 2.5 The height of the reservoir buildings is such that their upper deck level (the level of the tennis courts) is higher than surrounding street levels, with embankments along all sides including Aubrey Walk to the North. The embankment restricts many views into the site from street level.
- 2.6 The primary vehicular access to the site is currently from Aubrey Walk, at a point opposite Hillsleigh Road. Only water authority vehicles or other authorised vehicles may use this access. At the rear of Water Tower House, again from Aubrey Walk, is a vehicular access point for the cars of residents of Water Tower House, plus water authority vehicles. A third vehicular access to the site exists in physical form on it's eastern side, directly from Campden Hill Road, however this is used solely by the residents of Kensington Heights and the water authority or other owners of the application site do not have the right of access/egress to the site via this route.
- 2.7 No building upon the site is Listed, however there are Listed buildings close by to the North (St. George's Church and no.s 2-6 and 15-19 Aubrey Walk), to the West (Aubrey House), and to the South (Thorpe Lodge). The whole of the site is within the Kensington Conservation Area.
- 2.8 The Unitary Development Plan Proposals Map does not identify the site as having any nature conservation importance.
- 2.9 The site is not included in the Unitary Development Plan Schedule of Sites with Major Development Opportunities, and there is no planning brief for the site. The site is, however, included in the proposed draft alterations to the UDP Schedule, currently out to consultation.
- 2.10 The Council will refer to the contribution that the site presently makes to the character and appearance of this part of the Conservation Area, which will include reference to the Conservation Area Proposals Statement.

3.0 RELEVANT PLANNING HISTORY

- 3.1 There is no relevant planning history to this site.
- 3.2 In terms of more general history, use of the site to provide a water utility commenced in around 1810 as part of the original West Middlesex Water Works. The first reservoir was constructed in 1845 on the land now occupied by Kensington Heights and Water Tower House; this reservoir was demolished in

the 1960s. The existing reservoirs and attendant buildings were built in the late C19th. The water tower itself was demolished in 1970.

4.0 THE APPEAL APPLICATION

- 4.1 The Council will describe the appeal proposal as being the redevelopment of the site to provide 19 houses, 48 flats, a tennis club with 13 courts, and underground parking for the houses and flats.

The Demolition

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

General Arrangement and Orientation

- 4.3 It is proposed that the 19 houses are arranged around a central open space containing soft landscaping and trees at its centre. The flats are contained within two blocks, one fronting Aubrey Walk (the "Aubrey Walk block"), and the other fronting Campden Hill Road on the site of the present Water Tower House (the "Campden Hill block").

- 4.4 The built coverage of the site would take up approximately two thirds of the site area, excluding access roads etc, with approximately 30% remaining open space, either soft or hard landscaped.

Housing Mix

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

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

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

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

- 4.8 All of the units of affordable housing would be located in the Aubrey Walk block.

Density

- 4.9 The proposed houses and flats would comprise 366 habitable rooms on the site, resulting in a density of approximately 220 habitable rooms per hectare (hrh) over the whole of the application site. However, this figure takes no account of the site layout, where part of the site is set aside exclusively for the tennis courts and the remainder for housing. It is considered that the tennis court part of the site should be treated as separate from the housing part of the site for the purposes of density. On the housing site, the density would be approximately 327 hrh.

Recreational facilities

- 4.10 It is proposed that 13 tennis courts are provided to replace the existing 12. Six of the new courts, and a practice court, will be open to the elements, and six courts enclosed in a covered structure, effectively within the space of the existing western reservoir. The upper level of the courts would be the same as the existing, and the area occupied by the courts would be roughly half that of the existing court area on the reservoir roof.
- 4.11 The six upper level (outdoor) courts are each to be of championship standard, four of them floodlit.

Means of Vehicular and Pedestrian Access

- 4.12 An underground car park at basement level will provide 92 parking spaces, including 12 disabled spaces. This provides 2 spaces for each house, and one for each flat. 9 visitor spaces are proposed at 0.1 spaces per dwelling.
- 4.13 Access to the underground car park is provided through an on-site access road ramp, with the point of access/egress being 30m into Aubrey Walk from its junction with Campden Hill Road, in the same location as the existing access/egress to the parking area at the rear of Water Tower House. The existing vehicular access opposite Hillsleigh Road would be removed, and the access/egress to/from Campden Hill Road would not be used as part of the proposed development, but would remain for the use of Kensington Heights.

Form and Scale

- 4.14 The Campden Hill block is proposed to be of six storeys, with two main sections to the building linked by a central stair core and ground floor entrance foyer with pedestrian access to Campden Hill and also to the rear (into the site). The proposed roof form is a flat roof, stepping back on the sides above the third floor. It is proposed that the height of this block is at its greatest closest to Kensington Heights, being six storeys at that section, dropping to three storeys at its northern end where it turns the corner into Aubrey Walk. The main parapet height to Campden Hill Road would run at 14.2m above the pavement level of Aubrey Walk. The highest part of the roof would be 20.8m above Aubrey Walk pavement level.

- 4.15 The Aubrey Walk block is proposed to be of three storeys with a pitched roof. The roof would have a maximum height of 12.2m from Aubrey Walk pavement level at its apex, with the main parapet running at a height of 10.2m.
- 4.16 The main terraces surrounding the central landscaped space would be of a basement, ground floor, and three upper floors including an attic storey. They would be four storeys from the new deck level, the deck level constructed over a basement parking area which would be constructed at the level of the existing reservoir slab. The roof form would be a traditional mansard, with chimneys on the party walls separating the properties. The main parapet of these houses would run at 11.6m above the finished level of the square, and the apex of the mansard roof would reach a height of 14.2m from the square.

Detailed Design

- 4.17 The terms of architecture the proposed development comprises three different design approaches, with the Campden Hill block, Aubrey Walk block, and the square of houses all taking different forms. The architectural style of the central houses is a traditional house style, with the detail of the Aubrey Walk block also traditional but simpler. The proposed flat block for Campden Hill Road is a modern building, utilising large areas of glazing and a contemporary design approach.

Landscaping

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

5.0 POLICY CONTEXT

- 5.1 The statutory plan for the Royal Borough is the Unitary Development Plan which was adopted on 28th August 1995.
- 5.2 Reference may be made to the overall aim of the plan and the policy strategy.
- 5.3 The "Conservation and Development" chapter of the Unitary Development Plan may be referred to and the strategy and policies which are relevant to this appeal will be identified, in particular STRAT 1, STRAT 2, and policies CD21, CD25, CD28, CD29, CD30, CD34, CD35, CD51, CD52, and CD53.

- 5.4 The "Housing" chapter may be referred to, in particular STRAT 14, STRAT 15, STRAT 16, and Policies H2, H10, H11, H12, H15, H19, H22 and the revisions currently proposed to it, H23 and H28.
- 5.5 The "Leisure and Recreation" chapter may be referred to, in particular STRAT 34, STRAT 35, and Policies LR1 and LR7.
- 5.6 The advice of Central Government with regard to General Policies and Principles in PPG1, Planning and the Historic Environment in PPG15 and Transportation in PPG13 may be referred to. Reference may also be made to PPG17, Circular 6/98, and the consultation draft of the revised PPG3 issued in March 1999.
- 5.8 The published Conservation Area Proposals Statement for the Kensington Conservation Area may be referred to in assessing the quality and character of the area which would be affected by the appeal proposal.

6.0 PLANNING CONSIDERATIONS

- 6.1 The Council will provide evidence to demonstrate that:-
- 6.2 The proposed redevelopment would result in the loss of a significant amount of the existing open space on this site, reducing the value of this site as a visual amenity to be enjoyed by residents of nearby property, and harming the character and appearance of this part of the Kensington Conservation Area. As such, the proposal is contrary to policies of the Unitary Development Plan, in particular STRAT 1, STRAT 35, and Policies CD21, CD48, and CD52
- 6.3 The bulk and layout of the proposed development, in particular the bulk of development and the restricted dimensions of the central open space, would result in a densely developed site that relates poorly to the character scale or form of its surroundings. It is considered that the proposed development would result in harm to the character and appearance of this part of the Conservation Area, contrary to Policies of the Unitary Development Plan, in particular STRAT 5, STRAT 6, and Policies CD25, CD52, CD53, H10, and H11
- 6.4 Given that the existing site provides a valuable contribution to the character and appearance and residential amenity of this part of the Conservation Area, and in the absence of an acceptable scheme for the future development of the site, it is concluded that the proposed demolition of the reservoirs is premature, and contrary to Policy CD51 of the Unitary Development Plan
- 6.5 The proposed southern terrace of new houses would appear dominant and overbearing in its relationship with Thorpe Lodge, the development along Aubrey Walk would significantly affect the setting of St. George's Church, harming the setting of these Listed buildings contrary to Policy CD61 of the Unitary Development Plan

- 6.6. The existing site generates a relatively low intensity of vehicular and pedestrian activity through the year, busiest in the summer but relatively quiet in the winter months. The proposed development will generate greater levels of such activity throughout the year, with the largest difference being in the presently quieter winter months. As such, the proposed development will lead to a significant reduction in the levels of amenity presently enjoyed by those who reside near the site, contrary to Policies of the Unitary Development Plan, in particular STRAT 1, and Policy CD52.
- 6.7 The use of pedestrian and vehicular gates at the entrances to the site would restrict access to the development, separating the site from the surrounding area, contributing little to the amenity of the area, and being out of character with the predominant form of development locally where residential streets are generally accessible to all and at all times. As such, the proposed gated community is contrary to Policies of the Unitary Development Plan, in particular STRAT 1, STRAT 5, and CD52.
- 6.8 The site is considered suitable for the inclusion of affordable housing, which has not been secured by an appropriate planning obligation as part of the proposed development. As such, the proposals are not considered likely to achieve the provision of affordable housing on this site, and would be contrary to Policies of the Unitary Development Plan, in particular H22 and the proposed draft alterations to this Policy, and fail to respect the advice presented in Circular 6/98.

7.0 DOCUMENTS

- 7.1 The following documents may be referred to or put in evidence at the Public Inquiry by the Council's witnesses.
- 7.2 Unitary Development Plan, and proposed draft alterations where relevant.
- 7.3 PPG1, PPG3, Consultation Draft for the Revised PPG3, PPG15, PPG17, and Circular 6/98.
- 7.4 The Conservation Area Proposals Statement for the Kensington Conservation Area.
- 7.5 Traffic surveys and reports.
- 7.6 The contents of planning files TP/98/2126, 2128, and PP/99/0733.
- 7.7 The Council reserves the right to refer to or produce any other documents should it prove necessary.

8.0 PUBLIC CONSULTATION

8.1 The Council may refer to public consultation carried out regarding the proposals, and the contents of the responses received.

9.0 WITNESSES

9.1 It is likely that the Council will be calling witnesses to deal with the planning issues presented by the proposals. If the matter of affordable housing is not resolved by the date of the Inquiry, the Council reserves the right to call witnesses in regard to this issue too.

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① PC ② Copy to (i) Celine Parker (ii) Phil Hughes

Handwritten initials/signature

HERBERT SMITH

Exchange House
Primrose Street
London EC2A 2HS

Telephone 0171 374 8000
Fax 0171 374 0888
Dx 28

③ DJ

Mr D Shoreland
The Planning Inspectorate
Room 1003
Tollgate House
Houlton Street
Bristol
BS2 9DJ

Your Ref APP/K5600/A/99/1022704
APP/K5600/E/99/1016054
Our Ref 2087/2449/30798978
Date 29th June 1999

BY FAX AND BY POST

Dear Mr Shoreland,

TOWN AND COUNTRY PLANNING ACT 1990
PLANNING (LISTED BUILDING AND CONSERVATION AREAS) ACT 1990
APPEALS BY ST JAMES HOMES LIMITED
SITE AT FORMER THAMES WATER RESERVOIR AND WATER TOWER HOUSE,
CAMPDEN HILL ROAD, KENSINGTON, LONDON, W8

In accordance with the Town and Country Planning (Inquiries Procedure) Rules, I enclose two copies of the following:-

1. Proof of Evidence of Sir Brian Neill;
2. Proof of Evidence of Isidore Margaronis; and
3. Proof of Evidence of Charles Scott.

I confirm that the Applicant and the other participants in the Inquiry will be sent a copy of each Proof direct.

Yours sincerely,

Handwritten signature of Vanessa Allen
VANESSA ALLEN

- cc: Mr T Blaney - Messrs. Lawrence Graham
Mr D Taylor - Royal Borough of Kensington & Chelsea
Councillor C Buckmaster
The Campden Hill Lawn Tennis Club
Mr G Law - Campden Hill Residents Association

London Bangkok Brussels Hong Kong Paris Singapore

A list of the names of the partners and their professional qualifications is open to inspection at the above office. The partners are either solicitors or registered foreign lawyers.

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**SITE OF FORMER THAMES WATER RESERVOIR
AND WATER TOWER HOUSE,**

CAMPDEN HILL ROAD, KENSINGTON, LONDON, W8

APPEALS BY ST JAMES HOMES LTD

**PROOF OF EVIDENCE OF
SIR BRIAN NEILL**

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

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Introduction

- 1.1 My name is Brian Neill. My wife and I have lived at 2 Aubrey Walk since May 1991 when we moved from Ham Common to what was then and still is one of the most delightful small streets in Kensington. However, we have known the house and Aubrey Walk much longer. My wife's aunt moved here during the War when her house in Kensington Place was bombed, and before we lived here ourselves we were frequent visitors to the house for many years.
- 1.2 The house is at the eastern end of a terrace of three small Georgian houses which, I understand, were built between about 1826 and 1828. Our house is next to St George's Church.
- 1.3 Until I retired in 1996, I was a judge in the Court of Appeal.

Applications for redevelopment by St James Homes Limited

- 2.1 This statement relates to the proposed development of the former Thames Water Reservoir & Water Tower House pursuant to a planning application submitted to the Royal Borough of Kensington and Chelsea (which I shall refer to as "RBK&C") on 22nd March 1999.
- 2.2 The appealed application seeks planning permission to redevelop the site to provide 19 houses, 48 flats, a tennis club with 13 courts (including 6 covered courts) and underground parking (consisting of 92 spaces) for the houses and the flats. There is no provision for parking for the tennis club.
- 2.3 If this development takes place all the existing buildings and structures on the site will be demolished with the exception of the retaining wall on the west side of the western reservoir and part of the northern wall of the same reservoir. In particular, Water Tower House and the pump station will be demolished. I do not object to the principle of demolishing Water Tower House but the pump station is an attractive building which makes a positive contribution to the Conservation Area. In addition, large sections of embankment will be removed on the northern and southern boundaries of the site and a very significant number of trees screening the site will be felled.

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- 2.4 Water Tower House will be replaced by a larger building containing 29 flats. I shall refer to this building which will be erected on the corner of Aubrey Walk and Campden Hill Road as "the CHR block". The frontage on to Aubrey Walk will be wider than Water Tower House and this will involve moving the entrance to the site from Aubrey Walk some distance to the west. The new entrance, which will be the only means of vehicular access to the site and to the 92 parking spaces, will be almost immediately opposite St George's Church.
- 2.5 The houses will be arranged in a rectangle around a central space. The houses will be large four storey houses with basements in addition.
- 2.6 Between the houses and the CHR block it is proposed to erect another block of flats - the Aubrey Walk block. This block will be 3 storeys high and will contain 17 flats. The erection of this block on the south side of Aubrey Walk will involve the removal of the existing bank of trees.
- 2.7 I have seen the plans submitted by the developers. Having regard to the limited area of the site the proposed development is massive. If allowed to proceed on the scale proposed it would transform at a stroke an important part of this conservation area and destroy for ever the special nature of the summit of Campden Hill and of Aubrey Walk.

Objections to the proposed development

- 3.1 I have read the Report prepared by the Executive Director, Planning and Conservation for the Planning Services Committee of RBK&C ("the Report") which on 8th June 1999, refused planning permission for an application identical to the application which is subject to this appeal. As such, I consider the Report to be highly relevant to this appeal. In general I agree with the Report and with the reasons given for recommending refusal.
- 3.2 It is no longer necessary for me to comment in detail on the proposal that the site should be separated from the surrounding area by gates because I understand that the suggestion that this should be a gated community has now been dropped. The fact that such a suggestion was included in the scheme, however, is a sad reflection on the ability of the developers to understand the unusual characteristics of this site which requires to be treated with great care and sensitivity.

- 3.3 The objections to the proposals on which my proof of evidence will focus can be grouped under the following headings, though to some extent the headings overlap:
- (a) Loss of open space.
 - (b) The bulk and layout of the proposed development.
 - (c) Loss of trees and screening.
 - (d) Effect on the setting of listed buildings.
 - (e) General loss of amenity.

Loss of open space

- 4.1 The effect of the development is well summarised in the Report in these terms: "*The proposed development would result in the loss of a significant amount of the existing open space on this site, reducing the value of this site as a visual amenity to be enjoyed by residents of nearby property, and harming the character and appearance of this part of the Kensington Conservation Area*". I endorse this conclusion and the linked conclusion that the proposal is contrary to the Unitary Development Plan.
- 4.2 I would, however, draw attention to the following additional points:
- (a) Though the present open space is of particular value as a visual amenity to residents in the houses and flats surrounding the site, the impression of open space is given at a number of vantage points to people walking along Aubrey Walk. As is noted in paragraph 4.22 of the Report, "*this impression [of open space] is strengthened by the trees and shrubs that line parts of the site and which, from some viewpoints, form the skyline.*"
 - (b) The open space is included in the Open Space Survey prepared by the RBK&C in 1992 as number 14 in the list.
 - (c) Another witness will be able to speak about the view of the site from Kensington Heights. I can only speak about Aubrey Walk. From this perspective the fact that the view across Aubrey Walk to the south and south west is across an area of open space is of immeasurable value.

- (d) The large 4 storey houses of the square would make a serious inroad into the open space and the feeling of space would be further weakened by the Aubrey Walk block. The skyline from Aubrey Walk would be completely changed. This openness and the unenclosed nature of the eastern end of Aubrey Walk form an important part of the character and appearance of this part of the Kensington Conservation Area. It would be lost forever if the proposed development were allowed to proceed.
- (e) It is sometimes forgotten that an open space is not only a visual amenity. It also provides fresh air and what can be described as a lung which in the congested streets of this part of London is a benefit to the whole community.

Bulk and layout of the proposed development

- 5.1 It is the sheer size of the proposed development which is one of its most striking and objectionable characteristics. The new CHR block will be an immense structure in the context of Aubrey Walk. The houses will be large and out of scale with the houses at the south end of Hillsleigh Road. The Aubrey Walk block, connecting the houses with the CHR block, will emphasise the feeling of enclosure and bulk. In its present form the proposed development would bring about a complete and detrimental change in the character and appearance of this part of the Kensington Conservation Area.
- 5.2 I have already mentioned the 92 parking places (of which only 9 are allotted to visitors). Another witness will speak about the traffic in more detail. I mention the parking places just to illustrate the scale of the change which this number of cars, not to mention delivery vans and other associated traffic, will bring to this corner of Campden Hill.

Loss of trees and screening

- 6.1 Anyone who turns into Aubrey Walk from Campden Hill Road is immediately struck by its unusual appearance. It is a narrow street, in part little more than a lane, and it provides a contrast and an antidote to the huddled buildings of many of the surrounding streets. A vital ingredient of the atypical nature of Aubrey Walk and the character and appearance of this part of the Conservation Area, is the bank of trees which lies opposite St George's Church and the terrace of three small late Georgian

houses on the north side of Aubrey Walk. This bank both shields the site and provides a green introduction to the tennis courts further to the west.

- 6.2 The history of the bank and the trees on it is obscure. It seems probable that there was once a privet hedge on the top of the bank, but over the years a number of trees, most self sown, have grown in the bank. At the eastern end there is a well-established silver birch; further west there are sycamores and ash as well as honeysuckle and shrubs of various kinds, including a fine evergreen vibernum. The bank provides an ideal habitat for many birds and other wildlife. The proposed development would involve its complete destruction.
- 6.3 I attach a copy of a photograph (marked BN1) of the bank of trees which was taken a few weeks ago. It shows the setting of St George's Church and the terrace. It is to be observed that even the developers' landscape consultants, Broadway Malyan Landscape accepted (at paragraph 7.4 of their Report dated 23rd October 1998) that the bank formed "*a block of greenery which softens the street frontage and screens views into the site*".
- 6.4 The destruction of this bank and the trees and shrubs on it would, I believe, be a grievous loss to all those who live in or visit this part of London and would irreparably harm the character and appearance of this part of the Conservation Area.
- 6.5 In paragraph 4.131 of the Report, it is suggested that new planting proposed along Aubrey Walk will compensate for the loss of the bank. I disagree; immature shrubbery and newly planted trees would be a woefully inadequate substitute for the bank of trees and greenery which has developed over very many years.

The effect on the listed buildings

- 7.1 It is difficult for me to speak wholly dispassionately about the likely effect of this development on the church and the terrace of small listed houses which lie on the north side of Aubrey Walk. The feeling of space and air and also of peace, which presently we enjoy for much of the day, would go. A particular menace would be the Aubrey Walk block, which would not only involve the destruction of the trees across the road but the erection of a block of flats a short distance from our windows. The bulk of the block would overshadow the existing houses.

- 7.2 For over 150 years this terrace of houses has had, I believe, an open aspect to the south. Many people walking past comment on the present setting. It would be a pity if future generations were to see the church and the houses beside it facing a wall of brick and the main vehicular entrance to the proposed development instead of a wall of green foliage.

General loss of amenity

- 8.1 It is often said that if one lives in an urban community one must expect that there will be changes with the passage of time. This is true and not surprisingly there have been many changes in the area since the last War. But this is now a very crowded part of London and it is particularly important that any further development should be carefully tailored to do the least possible damage to this section of a valuable Conservation Area. The present proposals are, I believe, out of scale and very damaging.
- 8.2 An additional cause for concern for the occupants of houses on the north side of Aubrey Walk is the loss of light and sunlight which the development would cause. The sitting room in our house is on the ground floor and extends to the rear of the old part of the house. In the summer when the sun is high in the southern sky it is well above the tree line. In the winter those trees which are deciduous lose their leaves and light comes through the branches. If the Aubrey Walk block were to be constructed and the other buildings were to be built on the proposed scale a marked loss of daylight in the ground floor rooms would be bound to follow.

Conclusions

- 9.1 I consider that the proposed redevelopment would destroy the unique character and appearance of this part of the Kensington Conservation Area and the setting of the listed buildings in the vicinity. In view of this and the adverse impact of the proposals on the amenity of local residents, I urge the Inspector to refuse this Appeal.

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"BN1"



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**SITE OF FORMER THAMES WATER RESERVOIR
AND WATER TOWER HOUSE,
CAMPDEN HILL ROAD, KENSINGTON, LONDON, W8**

APPEALS BY ST JAMES HOMES LTD

**PROOF OF EVIDENCE OF
ISIDORE MARGARONIS**

Planning Inspectorate References:-

APP/K5600/E/99/1016054

APP/K5600/A/99/1022704

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1. Introduction

- 1.1 My name is Dr. Isidore Margaronis. I live at 26 Aubrey Walk, immediately opposite the Campden Hill Lawn Tennis Club which is at the western end of the Walk. I have lived there for almost ten years. I am Managing Director of a ship management company. I am also a member of the Campden Hill Tennis Club.
- 1.2 From the upper floors of my home, I have an uninterrupted view across the green open space of the tennis courts to the horizon. On a clear day it is possible to see the Downs beyond London to the south.

2. Applications for redevelopment submitted by St James Homes Limited

- 2.1 This statement relates to the proposed development of the former Thames Water Reservoir & Water Tower House pursuant to a planning application submitted to the Royal Borough of Kensington and Chelsea ("RBKC") on 22nd March 1999.

3. Objection to redevelopment proposals.

- 3.1 I have read the report of the Royal Borough of Kensington and Chelsea's ("RBKC") Planning Officer to the Planning Services Committee and would endorse the Officer's stated reasons for recommending that planning permission be refused. This report was written in respect of a duplicate application which is identical to the one which is the subject of this appeal. As such, the reasons for recommending refusal apply equally to both.
- 3.2 My evidence will focus on the following grounds of objection to the redevelopment proposals:
- (i) the adverse impact upon residential amenity which would be caused by the increased and varied traffic flows in Aubrey Walk and Campden Hill;
 - (ii) the increase in noise from traffic and from the changes in intensity and pattern use of the reconstituted tennis club; and
 - (iii) the loss of the open space of the tennis club.

4. Traffic Impact

(a) The existing situation

- 4.1 At present the weekday traffic in Aubrey Walk varies considerably during the day. There are three main periods when the traffic is at its heaviest: during the morning rush hour, during the afternoon tennis club peak at around 4:00pm and during the evening rush hour. At other times the street is very quiet. Weekends are dominated, during the summer at least, by a steady stream of tennis club traffic.
- 4.2 Aubrey Walk is a convenient access south from Holland Park Avenue, via Campden Hill Square, Aubrey Road or Hillsleigh Road, so there is considerable pressure during the morning rush hour. This is exacerbated by rat-running, with cars coming up Hillsleigh Road and then going east along Aubrey Walk to turn south along Campden Hill Road and thereby avoiding the slow lights and filter at the junction of Notting Hill Gate and Campden Hill Road. In the afternoon rush, there is heavy traffic flow along Aubrey Walk and north along Aubrey Road.
- 4.3 In addition, of course, there is the traffic generated by the tennis club. It appears that roughly half of the club's members drive to the club, generating a considerable amount of traffic. The Thames Water Depot has not been actively used for many years and in any event never generated anything other than a token traffic flow, little of it during the peak periods. The residents of Water Tower House are largely retired ex-employees of Thames Water, few of whom participate in the rush hour or school run traffic.
- 4.4 The flow is complicated by the fact that the eastern end of the street is not wide enough for two cars to pass so it is very easy for the traffic to come to a standstill if there is an attempt to flow in both directions at the same time. In my experience, this often happens both at the junction with Campden Hill Road and at the junction with Hillsleigh Road.

(b) Impact of the redevelopment proposals

- 4.5 The likely inhabitants of both the proposed houses and the majority of the flats will be very different from the present residents of Water Tower House. The high cost of the new houses and flats suggests that they would be occupied by relatively affluent families, many of whom may have more than two cars. Such occupants could reasonably be expected to

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actively contribute to both the rush hour and school run traffic. They are also likely to generate considerable service related traffic flows throughout the day and social traffic in the evenings. The traffic contribution on a per capita basis is therefore likely to be significantly higher than the present occupiers and users of the site.

- 4.6 Because the critical eastern end of Aubrey Walk is effectively a single track road, and the only proposed vehicular access to the development scheme is to be located at that point, the proposals are likely to generate worse and more frequent congested conditions for local residents.
- 4.7 If one also considers the proposed redevelopment of the tennis club, then these difficulties are likely to be further exacerbated. The new club facilities will be all-weather; its operating costs are likely to be higher and it would need to be supported by many more social and non-tennis functions. The club may also have to consider increasing its fees, which would result in a wealthier and more geographically dispersed membership. More members might therefore be expected to drive to reach the club. Perhaps most importantly, however, there would inevitably be more traffic in the evenings, on rainy days and in the winter – times which are currently very quiet.

(c) Parking

- 4.8 Parking is also an important consideration. At present the parking provision on Aubrey Walk is only just about adequate. When recently a few of the parking bays in Aubrey Walk were suspended to facilitate Thames Water's engineering works, there were immediate problems as a form of 'musical chairs' developed between the residents as they struggled to find somewhere to park.
- 4.9 The proposed development has internal underground parking for the residents themselves but very little for their guests or tradesmen. All the proposed parking is underground and may be a time-consuming and therefore unattractive option for tradesmen, taxis and others making relatively short visits to the site. Many people might feel vulnerable in an underground car park and may well seek to avoid parking there if a space is available on the street. The end result is that many of the vehicles seeking to access the development are likely to park in Aubrey Walk and the surrounding streets, an area in which parking is already at saturation levels.

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4.10 The tennis club also contributes to the parking problem and it appears that the development proposals make no provision for tennis club parking. A sign is currently displayed by the club asking members not to park in Aubrey Walk, but as there is no enforcement of this rule it is widely ignored. Those of us who have private forecourts on the north side of Aubrey Walk constantly have to remove the vehicles of members who find it more convenient to trespass and break the club's rules than to walk a few yards from an acceptable parking place. More members are likely to drive to the new club for the reasons given above, the pattern of their visits will change in accordance with the altered nature of the facility, and so the parking problem is likely to worsen.

5. Noise

5.1 The noise levels in Aubrey Walk vary markedly through the day, generally in accordance with the peak traffic flows and the use of the tennis club.

5.2 Aubrey Walk is very narrow, and the houses are situated very close to the carriageway. During the rush hour, especially in the evening, there is a considerable amount of noise generated by the rat run traffic. Outside of these times, and when the tennis club is not in operation, the street is like a quiet lane with very little noise at all.

5.3 I live directly opposite the tennis club and at certain hours of the day and throughout the weekend there is more or less constant noise. The noise does not take the form simply of the rather restful sound of tennis balls being struck, but rather the continuous slamming of car doors, the sounding of horns to attract the attention of those in the club who are to be collected, the blaring of the club's television, the slamming of the club door and the sound of the cars arriving, stopping and accelerating away.

5.4 The redeveloped club would alter this situation for the worse. There will be much more evening tennis, and there are likely to be more evening functions. In the summer it is, at times, already like living opposite a rather rowdy public house, but at least in the winter it is relatively quiet. With the new facilities it will be noisy all year round. In the week beginning 21st June 1999 there were two evenings with functions going on until after 11:00pm. In both cases the floodlights were left on until the functions ended, despite a Club rule (which is frequently breached) that they should be extinguished by 10:00pm, and there was a totally unacceptable level of noise when everyone went home.

6. Loss of open recreational space

6.1 Policy LR7 of the Unitary Development Plan is:

"to resist the loss of existing public and private open space which meets leisure and recreation needs."

In my view these proposals would, contrary to the expressed opinion of RBKC's Planning Officer, breach this policy.

6.2 The existing tennis courts constitute existing open space which meets leisure and recreation needs. Under the redevelopment proposals there would be a very substantial reduction in this space.

6.3 I do not accept the Officer's conclusion that the loss of six open air tennis courts is adequately compensated for by the building of six underground courts. The six underground courts would not be *"open space which meets leisure and recreation needs"*, and would not offer all of the same benefits as open air courts. Indoor sports facilities are comparatively easy to find, what is precious in the centre of a city is a facility for outdoor recreation. The halving of the outdoor tennis courts proposed as part of this scheme would be a considerable, and irreversible, loss.

7. Conclusion

7.1 It is clear that the proposed redevelopment would have a significant adverse impact on the levels of amenity currently enjoyed by local residents. My Proof has concentrated on the implications in terms of the increase in traffic and noise levels and the irreversible loss of open space. In light of these objections and the objections raised by other witnesses, I would urge the Inspector to refuse this Appeal.

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**SITE OF FORMER THAMES WATER RESERVOIR
AND WATER TOWER HOUSE,**

CAMPDEN HILL ROAD, KENSINGTON, LONDON, W8

APPEALS BY ST JAMES HOMES LTD

**PROOF OF EVIDENCE OF
CHARLES SCOTT**

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

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1. **Introduction**

1.1 My name is Charles Scott and I live at 36 Kensington Heights, Campden Hill Road, W8 72D with my wife and two young children. I have lived at this address for approximately 12 years. I am an active member of Campden Hill Tennis Club, and have been for approximately 20 years.

1.2 I am Chairman of Cordiant Communications Group Ltd.

2. **Applications for redevelopment submitted by St James Homes Limited**

2.1 This statement relates to the proposed development of the former Thames Water Reservoir & Water Tower House pursuant to a planning application submitted to the Royal Borough of Kensington and Chelsea ("RBKC") on 22nd March 1999.

2.2 My flat is on the west side of Kensington Heights on the third floor. It directly overlooks the development site from the study and all three bedrooms and would, I conclude from the plans for the proposed development, be opposite the end flank wall of the South Terrace of houses. The site can also be seen from my living room and kitchen. From the balcony on the west side of my flat one can see most of the site with the exception of Water Tower House.

3. **Objection to redevelopment proposals**

3.1 I have read the Report of the Planning Officer of the Royal Borough of Kensington & Chelsea to the Planning Services Committee which, on 8th June 1999, refused planning permission for an application identical to the one which is the subject of this appeal. As such, I consider the Report to be highly relevant to this appeal and endorse the Officer's stated reasons for recommending that planning permission be refused.

3.2 My Proof of Evidence will address the following grounds of objection to the redevelopment proposals:-

1. Loss of Privacy.
2. Loss of Daylight.

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4. Loss of Privacy

- 4.1 When I bought my flat in 1987, I was particularly influenced by the fact that it was not directly overlooked and that I could therefore expect privacy and quiet. I am currently not overlooked at all from the west and from the balcony on the south side of my flat the first buildings I can see in the distance are Thorpe Lodge and Holland Park School.
- 4.2 I understand that under the proposed development scheme, the houses of the East Terrace would be positioned just 20 metres from the windows of the Kensington Heights flats directly opposite and the southern flank of the Campden Hill Road block would be only 12.5 metres from the nearest part of the north side of Kensington Heights. This would represent a dramatic reduction in privacy for the residents of those flats.
- 4.3 My flat would be most affected by the South Terrace which would be directly opposite and, I am advised, just 20.3 metres away. Although I understand that there are to be no windows in the end flank wall of the South Terrace directly looking into my flat, the proximity of this Terrace and the other Terraces is objectionable, not least because they will destroy my current outlook which is composed primarily of green tennis courts, trees and sky. I am advised that loss of outlook is not a planning consideration; nevertheless it is one of the adverse consequences of implementation of the proposals which concerns local residents.
- 4.4 The privacy of residents of Aubrey Walk would be even more adversely affected than those of Kensington Heights in terms of the distance between their rooms and the new rooms which are proposed to be built directly opposite. There would be a distance of 16 metres between the Aubrey Walk Block and the front windows of numbers 2 to 6 Aubrey Walk and a distance of just 12 metres between the closest part of the Western Terrace and the front windows of numbers 18 and 20 Aubrey Walk. I note that these distances are well below the 18 metres which the Unitary Development Plan (paragraph 3.19, page 47) recommends as reducing inter-visibility to a degree acceptable to most people.
- 4.5 At paragraphs 4.141 and 4.143 of his report, RBKC's Planning Officer concluded that the proposed planting associated with the redevelopment proposals would serve to

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would have their vertical sky component reduced to less than 80% of their former value. Two west facing windows would also receive such a loss."

- 5.3 I accept that a balance must be drawn between the impact on daylight of any built development on the site, and the townscape contribution such buildings would make. It is my view, however, that the height, bulk and positioning of these proposed buildings are such that they do not represent an acceptable resolution of that problem.

6. Conclusion

- 6.1 If the proposed development is allowed to proceed it would make a fundamental difference both in terms of the character and the living conditions in my flat and other flats in Kensington Heights. It would, for that reason amongst others, represent an unacceptable over-development of this important and sensitive site. I therefore urge the Inspector not to allow this appeal.

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① PC ② Copy Cellerme + Phil
Highes
③ DT

23 KENSINGTON PLACE
LONDON W8 7PT
Tel 0171 229 7508
28.6.1999

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29.6

Mr C A Thompson
c/o Mr D Shorland
The Planning Inspectorate
Room 1003
Tollgate House
Houlton Street
Bristol BS2 9DJ

FAX 0117 987 8443

Dear Mr Thompson

Town and Country Planning Act 1990
Planning (Listed Building and Conservation Areas) Act 1990
Appeals by St James's Homes Ltd on site at Former Thames Water Reservoir,
Campden Hill Road, London W8

I enclose my Statement of Case for the above Appeals Hearing.

This is being faxed to you, with the original being posted today.

Yours sincerely

Cllr Christopher Buckmaster

cc RBKC, Lawrence Graham, Campden Hill Tennis Club, Herbert Smith

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**CAMPDEN HILL RESERVOIRS AND WATER TOWERHOUSE
SITE AT AUBREY WALK AND CAMPDEN HILL ROAD KENSINGTON W8**

APPEAL BY ST ST JAMES'S HOMES

**STATEMENT UNDER RULE 6 OF THE TOWN AND COUNTRY PLANNING
(INQUIRIES PROCEDURE) RULES 1992**

**Planning Inspectorate References
APP/K5600/E/99/1016054
APP/K5600/A/99/1016055
APP/K5600/A/99/1022704**

Cllr Christopher Buckmaster

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**STATEMENT OF CASE BY
CLLR CHRISTOPHER BUCKMASTER
COUNCILLOR FOR CAMPDEN WARD**

As requested I enclose my statement of case which I will present at the Inquiry.

1. Effect on Holland Park School

Holland Park School (HPS) is one of the largest inner London comprehensive schools and I am a Governor of the School. It has just under 1500 pupils between the ages of 11 and 14.

HPS is the only county secondary school in The Royal Borough of Kensington and Chelsea and it also, uniquely in Inner London, has a rural setting, in that it is barely overlooked, a point much appreciated by staff and students.

The effect of this proposed development, if permitted, would present a row of dominant and overbearing houses, with 4.5 storeys above ground, along the Northern boundary of the school facing the main entrance road.

Thorpe Lodge, a schedule 2 listed building, would be badly effected. Not only would its open setting be destroyed but there would be an adverse effect on its light, as exemplified by page 4 of the report submitted by McBains Cooper on 31.3.99. This report, relevant section attached as CB 1, admits damage but this is dismissed as not injunctable although "compensatable" to HPS.

2. Traffic

Holland Park School lies immediately to the South of the proposed development site. There are currently just under 1500 students at the school. About 200 metres to the East of the site in Kensington Place there is Fox school, with nearly 300 primary school pupils. I attach as CB2 the latest official figures for attendance at these two schools from a Royal Borough of Kensington and Chelsea (RBKC) report submitted to the Education and Libraries Committee meeting dated 23 June 1999. These figures relate to January 1998, the last formally published attendance figures. Both schools have increased the numbers of their pupils since that date.

Any increase in traffic in these narrow streets will adversely affect the safety of the large numbers of school children in the immediate vicinity.

Most of the HPS children leave the school on foot, with the overwhelming number walking up Campden Hill Road to the junction with Aubrey Walk and Kensington Place and on to Notting Hill Gate. A large number of the children from Fox School are collected by car. Because of the one way system in Kensington Place they have no option but to go to Campden Hill Road to the Aubrey Walk junction.

3. Open Space and Sporting Facilities.

PPG 17 refers to the recommended National Playing Fields Association (NPFA) guidelines for the amount of open space desirable per 1000 population. This definition specifically excludes indoor provision, such as is proposed for 6 tennis courts in this application from the developers. RBKC is the most densely populated local authority in the country, after the City of London. It already falls well short of the NPFA guidelines by a very substantial margin.

This explains why the draft Sports Strategy of RBKC, approved this year by Youth and Continuing Education Committee on 7 June and agreed by Education and Libraries Committee on 23 June specifically calls for no diminution of open space for sporting activities in RBKC - see the relevant section of the Strategy attached as CB 3.

Holland Park School

Holland Park School is set down the hill from the development site and we have not been able to examine the buildings on the site in any detail because of restrictions on access. We have examined the buildings from the reservoir site and conclude that the 1960s classroom blocks will not be adversely affected by the proposals at all. Thorpe Lodge forms the VI.th form library and IT classrooms and this building will be slightly affected. The existing fenestration is poor so that the light flows to the rooms are diminished accordingly. We believe that there may be a small amount of damage caused to the building. We do not consider that this damage is injunctable but, by operation of *Shelfer -v- City of London Electric Light Co. 1895* any damage is of a compensatable nature

Airlie Gardens

The remaining buildings in Airlie Gardens are set back from the line of Thorpe Lodge and are presently heavily overshadowed by the planting on the berm slope. While trees would not normally be considered for rights of light, where they are "cultivated" rather than wild, a claim could be sustained for them. As no claim has been made and the trees have been there for many years, we feel that they give a degree of protection. The nearest building will be the house in the Southeast corner of the square which is basically two storeys at its nearest point to Airlie Gardens and is set some 36m back. We consider, therefore, that no reasonable claim could be sustained by the Airlie Gardens properties

25 Campden Hill Gardens

The building on the corner of Aubrey Walk and Campden Hill Road derives a flow of light principally along Campden Hill Road and is already obstructed by Water Tower House which is built on higher ground and is five storeys tall. The parapet level of Water Tower House is 52.07 AOD. The new proposals show the new buildings being 53.25 AOD to the ridge and 51.25 AOD to the parapet. The footprint of the building is slightly wider than the existing building but with a more broken roofline. Most of the bulk of the building addresses the road rather than the properties built on its sides. We do not consider that an action could be sustained by this property.

36 Campden Hill Gardens

The next building faces into Campden Hill Gardens but derives a flow of light over the development site to its side windows and its conservatory. We have considered the impact which the new buildings will have onto these windows and the first floor windows do not appear to be adversely affected. The conservatory receives part of its light from above and would be very difficult to injure. There are no new buildings facing this house and the present pump house roof is set at 49.8 AOD and there are trees and bushes on the berm. The new obstructions will rise to 40.2 AOD so that this building will derive significant increases in light flow. The building has a satellite dish mounted on the West wall facing over the site and set at a low angle to focus on the geostationary satellite.

Table 2.
NUMBER OF PUPILS ON ROLL AT EACH SCHOOL
COMPARED WITH SCHOOLS' CAPACITIES, 1998

School	SCHOOL ADMISSIONS			SCHOOL CAPACITIES		
	Based on standard admission number			Based on MOE (physical) capacity		
	Places in adm year	Pupils in adm year ¹	% unfilled places ²	School capacity	Pupils on roll ²	% unfilled places
Ashburnham	30	25	17%	155	176	0%
Avondale Park	68	42	38%	516	291	44%
Barlby	49	35	29%	316	269	15%
Bevington	51	39	24%	362	240	34%
Bousfield	60	59	2%	396	400	0%
Colville	62	42	32%	336	238	29%
Fox	45	44	2%	325	286	12%
Marlborough	30	25	17%	275	157	43%
Middle Row	45	30	33%	435	253	42%
Oxford Gardens	60	52	13%	424	341	20%
Park Walk	30	25	17%	228	160	30%
Thomas Jones	30	29	3%	203	205	0%
Christ Church	30	29	3%	151	205	0%
Holy Trinity	30	29	3%	170	185	0%
Oratory	30	30	0%	175	208	0%
St Barnabas/St Philip's	30	30	0%	252	207	18%
St Clement/St James	30	30	0%	199	190	5%
St Cuthbert/St Mathias'	25	27	0%	193	169	12%
St Francis	45	43	4%	281	300	0%
St Joseph's	30	27	10%	202	202	0%
St Mary Abbots	30	27	10%	275	198	28%
St Mary's Primary	60	60	0%	330	381	0%
St Thomas'	30	27	10%	184	168	9%
Servite	30	25	17%	206	190	8%
Our Lady of Victories	30	30	0%	188	199	0%
St Charles	50	39	22%	311	306	2%
Holland Park	240	228	5%	2108	1437	32%
Sion Manning	120	121	0%	628	579	8%
St Thomas More	120	135	0%	563	609	0%
Cardinal Vaughan	120	125	0%	703	782	0%
Chelsea Hospital	n/a	n/a	n/a	n/a	n/a	n/a
Parkwood Hall	n/a	n/a	n/a	n/a	n/a	n/a
Pupil Referral Unit	n/a	n/a	n/a	n/a	n/a	n/a
TOTALS						
Primary	1040	900	14%	7088	6124	17%
Secondary	600	609	2%	4002	3407	18%
Special	n/a	n/a	n/a	n/a	n/a	n/a
Borough total	1640	1509	9%	11090	9531	17%

Notes:

1. Number of pupils in Year 1 (primary) in May 1998 or Year 7 (secondary), in January 1998.
2. Unfilled places in admission year shown as a percentage of places. A shortfall of places is counted as 0.

2.2 The delivery of sports services in Kensington and Chelsea

Public Sector

The provision of opportunities for sport in Kensington and Chelsea is undertaken directly by the Council in schools, through the local further education college under contract to deliver adult education, Sports Centres, community recreational facilities and the Sports Development Team. While sport also forms an important part of the activities undertaken at youth clubs and play facilities across the borough, levels of participation in sport are recognised to be influenced by a range of factors. Locally the Royal Borough has sought to influence levels of participation by the implementation of schemes such as the National Junior Sports Programme introducing large numbers of young people to sport by entry to the London Heathrow Youth Games and other sporting competitions, and by the provision of outreach sports activities for specific sections of the community, primarily disabled people, women and girls and older people. At another level the borough seeks to facilitate participation through the provision of additional sports facilities and through its Unitary Development plan to make land available for further sports use. The National Playing Fields Association recommend that 6 acres per 1000 population should be made available for parks and open spaces. The census population count in 1991 for Kensington and Chelsea was 164,000. This would mean that 984 acres should be available. We currently have 100 acres of parks and open spaces available, but some of these are unusable e.g. Brompton and Kensal Green cemeteries. More specifically 38 acres of public owned facilities are available for sport. The Sports Development Team provides a point of liaison and co-ordination within the council, support to the delivery of national curriculum in schools and a reference point for external funding bids such as the Holland Park Lottery Application. We start from the premise that we have inadequate space available and this places an imperative on us to utilise our space effectively and see no diminution of it.

Voluntary Sector

A network of voluntary sports clubs use many of the existing sports facilities in the borough. North Kensington Amenity Trust has successfully developed new sports facilities in the north of the borough attracting substantial funding and contributing to the regeneration and improvement of land under and close to the Westway flyover. On a smaller scale the North Kensington Canalside Trust manages the Canalside Activities Centre which provides expanded opportunities for canoeing, rowing, bell boating and ecology activities. The voluntary sector is essential to the achievement of the strategic objectives that have been set.

Private/Commercial Sector

The private sector consists of membership sports clubs and leisure complexes (e.g. Kensington Close Hotel, Campden Hill Tennis Club and Holmes Place). These commercial operators cater for specific market segments but nonetheless have contributed to sports for the wider community by offering hours for the

RBKC COMMENTS ON

APPELLANT'S

UNILATERAL UNDERTAKING

- ✓
agree*
1. St James Homes Limited does not satisfy Section 106(1) in that it does not have an interest in the land and is therefore not entitled to enter into a planning obligation (see also para. B25 of Circular 1/97).
 2. In clause 1.1., the definition of "Affordable Housing" includes low cost market housing. This should be excluded because of the high cost of residential land in this Borough (see draft UDP alterations referring to the high cost of residential land).
 3. In the definition of "Implementation", after the word "shall" on the fifth line, insert the word "not".
 4. The definition of "Registered Social Landlord" shall mean an organisation registered under the Housing Act 1996.
 5. In clause 3 delete reference to "developer".
 6. Clause 5.2 of the draft is a positive obligation to transfer land. Para B6 of Circular 1/97 requires that unilateral obligations should be in accordance with that circular. Paragraph B.26 of Circular 1/97 states that undertakings should include neither the transfer of interest in land nor positively worded requirements to transfer interests in land. This paragraph endorses the use of negatively worded covenants restricting the use of land until the transfer has taken place. Therefore the draft agreement should require a negatively worded obligation restricting occupation of the market housing until such time as affordable housing has been delivered in accordance with the criteria set down in paragraph 33 (A) of circular C.98.
 7. There should be no provision for off-site affordable housing or a payment in lieu (incorrectly referred to as a "commuted sum").
 8. The rationale for 6 and 7 above is because this is in relative terms a significant development site in the Borough and failures to provide on site affordable housing will increase pressure on remaining sites to deliver such affordable housing. Because of the expected completion of a planning obligation relating to the provision of 102 affordable housing units off site in connection with the redevelopment of 300 units of market housing at 552 Kings Road, Chelsea (where there was an extant permission with limited affordable housing provision), the demand for land for affordable housing in the Borough could become acute for the foreseeable future.

Clause 8 relating to access should be amended to follow the wording in the Councils proposed draft unilateral undertaking at clause there is no covenant relating to the protection of trees and this should also therefore follow the wording of clause 3.1.4 of Councils draft.
