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Month	Date	Event	Time	
JULY	Mon 5	Eastcote	6.30pm	
	Wed 7	Gunnersbury	6.30pm	
	Sat 10	JUNIOR DISCO & BBQ	6.00pm	
	Mon 12 - Fri 16	JUNIOR TOURNAMENT		
	Thurs 14	Wayfarers	6.30pm	
	Wed 21	Parson's Green	6.30pm	
	Mon 26 - Fri 30	LTA JUNIOR TOURNAMENT		
	SEPTEMBER	Sat 11	SENIOR TOURNAMENTS START	
		Mon 27	Duplicate Bridge	7.30pm
		OCTOBER	Fri 8	AGM
Mon 11			Duplicate Bridge	7.30pm
Wed 13			QUIZ NIGHT	7.30pm
Sat 16	SENIOR TOURNAMENT FINALS			
Sun 17	SENIOR TOURNAMENT FINALS			
Mon 25	Duplicate Bridge	7.30pm		
NOVEMBER	Mon 8	Duplicate Bridge	7.30pm	
	Mon 22	Duplicate Bridge	7.30pm	
	Wed 24	WINE TASTING	7.30pm	
DECEMBER	Fri 3	CHRISTMAS COCKTAIL PARTY	7.00pm	
	Mon 6	Duplicate Bridge	7.30pm	
	Sat 11	JUNIOR DISCO	6.00pm	
	JANUARY	Mon 10	Duplicate Bridge	7.30pm
		Sat 22	THEME SUPPER	7.30pm
		Mon 24	Duplicate Bridge	7.30pm
	FEBRUARY	Mon 7	Duplicate Bridge	7.30pm
		Mon 21	Duplicate Bridge	7.30pm
	MARCH	Mon 6	Duplicate Bridge	7.30pm
		Sat 11	THEME SUPPER	7.30pm
Mon 20		Duplicate Bridge	7.30pm	

THROUGHOUT THE YEAR  
 WEDNESDAY FROM 10.30AM CLUB DAY  
 THURSDAY NIGHT FROM 6.30PM CLUB NIGHT

JUNIOR FIXTURES WILL BE PRINTED SEPARATELY

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AWAY FIXTURES

Month	Date	Opponent	Category	Time
MAY	Wed 12	D Lloyd	Ladies I	6.30pm
	Tues 25	Queens	Mens II	6.30pm
	Wed 26	Paddington	Mens I	6.30pm
	Thurs 27	W. Middlesex	Mens III	6.30pm
JUNE	Mon 21	Hartwood	Mens II	6.30pm
	Tues 22	Riverside	Mens I	6.30pm
	Wed 23	Queens	Ladies I	6.30pm
JULY	Thurs 1	Wycombe H	Mens II	6.30pm
	Thurs 8	Ealing	Mens I	6.30pm
	Mon 19	Lensbury	Ladies I	6.30pm
	Mon 19	Hartwood	Mens III	6.30pm
	Thurs 22	Riverside	Ladies I	6.30pm
	Tues 27	Headstone	Mens I	6.30pm
	Thurs 29	Gunnersbury	Mens II	6.30pm
	Thurs 29	Queens	Mens III	6.30pm

RULES AND REGULATIONS

Subject to the Articles of Association of the CHLTC Ltd. (a copy of which is available for inspection from the Manager)

- The club shall be called "THE CAMPDEN HILL LAWN TENNIS CLUB" hereinafter referred to as "the Club".
- The Club at each Annual General Meeting may appoint a President for 12 months who shall represent the Club as a non-executive officer and thereafter may be elected for a further period of 12 months.
- The management of the Club shall be carried out by a committee ("the Committee") the members of which shall be elected at the Annual General Meeting of the Club. Each Committee member shall be in office for an initial period of two years and may thereafter stand for re-election. Only full members of the Club shall be eligible for election to the Committee.
- The Committee shall have full power to make any new rule or alter or suspend any existing one. Notice of any such change shall be displayed on the Club notice board for a period of not less than four weeks. Such changes shall be binding on the Club members until set aside at an Extraordinary General Meeting of the Club.
- Team Captains shall be elected at the Annual General Meeting.

Membership

The Club shall have the following categories of members:

Full, Under 26, Veteran, Honorary, Junior, Social, Mid-week, and Dormant. Under 26 and Veteran members have the same playing and voting rights as Full members.

7 New Full and Under 26 members shall be admitted by the Committee following, where the Committee deems appropriate, a successful playing-in test.

8 Veteran members joining this category shall have reached the age of 65 by 1 April of the year in which the subscription for that year is due and shall have paid a full subscription for 15 years.

9 Under 26 members shall be under 26 years of age on 1 April of the year in which the subscription for that year is due.

10 The Committee may elect as honorary members, without payment of any entrance fee or subscription, persons who have rendered substantial services to the Club or whose membership of the Club is considered desirable. Honorary members shall have all the privileges of Full playing members with the exception of voting rights.

11 Junior members shall be under 18 years of age on 1 April of the year in which the subscription for that year is due. They have priority on one court at all times and on another court during off-peak hours, such courts to be designated by the Committee. They may play on other courts if available but must give way to senior members wishing to play.

12 Social members may not play (unless as a visitor), but may participate in other activities and use the Club premises.

13 Midweek members are entitled to play until 5pm Monday-Friday and may book Floodlight courts between 1 October and 31 March.

14 Dormant members are members who have relinquished the right to play for one or more years, but remain eligible to become playing members again (in the same category as before) on payment of the current subscription, without paying an entrance fee and without being required to join a waiting list.

#### Fees and Subscriptions

15 Entry and other fees and subscriptions payable shall be in accordance with the schedule determined by the Committee from time to time.

16 The subscription shall be payable in advance annually on 1 April. No member shall be entitled to enter the Club so long as his annual subscription or entrance fee (if any) is in arrears or if he continues, after notice from the Committee, to be in any other way indebted to the Club.

17 Any member whose subscription shall be unpaid for one month after it is due shall ipso facto cease to be a member, but the Committee may re-elect him when a vacancy shall occur (with or without payment of the entrance fee) on receiving an explanation of the delay which is satisfactory to the Committee.

18 Any member intending to withdraw from the Club shall give to the Committee, at any time before the next subscription becomes due, notice in writing of his intention otherwise he shall be liable to pay his subscription for the current year whether he shall have used the Club or not.

19 Any newly accepted member who shall not for one month after election, pay his entrance fee (if any) and first annual subscription shall be deemed to have forfeited his membership of the Club.

20 The club shall maintain a register of members listing the various classes and may require any member to produce his membership card (or other evidence of his status) to establish his entitlement to play, or to be on the premises.

21 At the Committee's sole discretion a subscription may be waived wholly or in part.

22 The Committee may suspend or remove from the list of members

any member whose conduct (whether on Club premises or elsewhere) is or has been, in the opinion of the Committee, contrary to the interests of the Club or injurious to its reputation. Anyone whose name is so removed shall forthwith cease to be a member and shall forfeit rights to, or claims upon, the Club.

23 The Committee shall not suspend or remove the name of any member except at a meeting at which not less than five Committee members shall be present and of which not less than two clear days notice shall have been given to each member of the Committee and to the member whose conduct is in question. Such notice shall expressly state that the conduct of a member to be dealt with under rule 22 shall be brought before the Committee, provided always that when a member has been convicted of an offence which, in the opinion of the Committee is of a kind which renders him unfit to be a member, such notice shall be given to the member and an opportunity to be heard in answer.

24 At any meeting convened under Clause 23 any allegations against the member shall be related (in his presence if he attends) and he shall (if he desires) be heard in answer, a reasonable adjournment to prepare the answer being allowed at the discretion of the meeting.

25 The decision of the Committee at the said meeting or any adjourned meeting, whether to reinstate the member or to suspend or to terminate his membership, shall be taken by a majority vote and shall be final and conclusive.

#### Floodlight Tennis

26 The Floodlight courts are available for play from dusk until 10pm. The fee for the use of the courts shall be fixed by the Committee and the appropriate fee shall be paid before play commences.

27 Failure to play at the time reserved shall result in forfeiture of the appropriate fee unless weather conditions render the courts unplayable. The fee shall be payable unless 24 hours notice of cancellation is given.

#### Visitors

28 Except at times and in circumstances which may from time to time be notified by the Committee, a playing member may introduce one playing visitor at any one time when the Club is open. A playing visitor (other than a junior) must be able to play tennis to the standard of the play-in test if playing on weekdays after 5.00pm or at weekends (floodlit tennis excepted).

29 No one playing visitor may be introduced more than six times in any one Club year. It is the responsibility of the introducing member to ascertain that his guest is eligible for introduction in accordance with the foregoing.

30 Immediately on introducing a visitor to any part of the Club premises the member concerned shall enter the visitor's name in the book provided for that purpose. The member shall be responsible for immediate payment of the visitor's fees and for the visitor's conduct and appropriate dress.

31 Members failing to comply with the provisions of Rule 30 shall be liable to the payment of a double visitor's fee.

32 Members who have introduced visitors must play on the same court as their visitor. It is the responsibility of the introducing member that his visitor shall not remain in any part of the Club premises after the member introducing him shall have left.

#### Addresses

33 Each member shall keep the Manager informed of that member's private address or of some other address at which communications may be addressed to him together with current telephone numbers (home and office). A list of telephone numbers of members shall be available at the bar.

34 The list of Club members' addresses shall only be available to the Committee and to the Manager and shall not be distributed for any other purpose.

35 All notices shall be posted by being affixed in a prominent position on the Club premises.

#### Exclusion of Liability

36 Neither the Club nor any Officers thereof shall be liable to any member or visitor for any loss of or damage to any of their property occurring (from whatever cause) in or about the Club premises, nor for the death of or for any injury sustained by any member or visitor whilst on or entering or leaving the Club premises; and notice to this effect shall be displayed in a prominent position on the Club premises.

#### General

37 The Club shall be open from 7am in the summer months and from sunrise in the winter until dusk or, as appropriate, until finish of play on the Floodlit courts, except on such dates as shall be notified by the Committee.

38 If any court has a notice placed on it that the court is out of play, no person shall play upon the court until the notice has been removed. The Committee may at any time reserve any of the Courts for the purpose of Tournaments or Matches or for the exclusive use of members or for any other purpose.

39 Under no circumstances shall any person play upon any court except in bona fide tennis shoes.

40 Members shall wear bona fide tennis dress at all times while on the courts.

41 The conduct of an employee of the club shall in no instance be made a matter of personal reprimand by any member, but all complaints regarding such conduct must be made in writing to the Committee.

42 All members shall pay their expenses due to the club before leaving the premises.

43 No dogs shall be admitted to any part of the Club premises.

44 No member shall employ or negotiate employment for any employee of the Club without the prior agreement of the Committee.

45 Football games are prohibited except with the approval of the Committee.

46 Mobile telephones may only be used inside the Clubhouse and their use must not cause a nuisance to other members. Mobile phones on the Club's premises must otherwise be turned off.

#### Cutting-in

47 The satisfactory working of this rule depends on members wishing to cut-in by joining a court where the standard of play is approximately equal to their own and the following rules are subject to this principle.

(i) Unless all other courts in playable condition are full (i.e. occupied by four players) or unless by invitation of the players, the maximum number allowed on one court shall be six, including those waiting by the court.

(ii) When a four is being played, those playing must, at the end of their set, allow other members who are waiting to cut-in, unless on their arrival there is another court in playable condition on which they can play.

(iii) When a singles is being played and there are four other members waiting to play, at the end of their set the four waiting members are entitled to use the court for a set, unless, on their arrival there is another court in playable condition upon which they can play. At the end of such set the original two players have the right of cutting-in.

(iv) When anyone is waiting to cut-in advantage sets shall not be played, i.e. as soon as one side reaches 6 games the set must end.

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(v) No member has the right to cut-in unless he is physically present on court at the end of a set.

(vi) If during a set a player leaves the court for more than five minutes, that court is available to any other member (subject to rule 38).

(vii) Any dispute shall be referred to and settled by an available member of the Committee, whose decision shall be final.

No rule can cover every situation, but the Committee hopes that members will continue to use their good sense to ensure the successful working of this rule, upon which much of the friendly atmosphere of the Club depends.

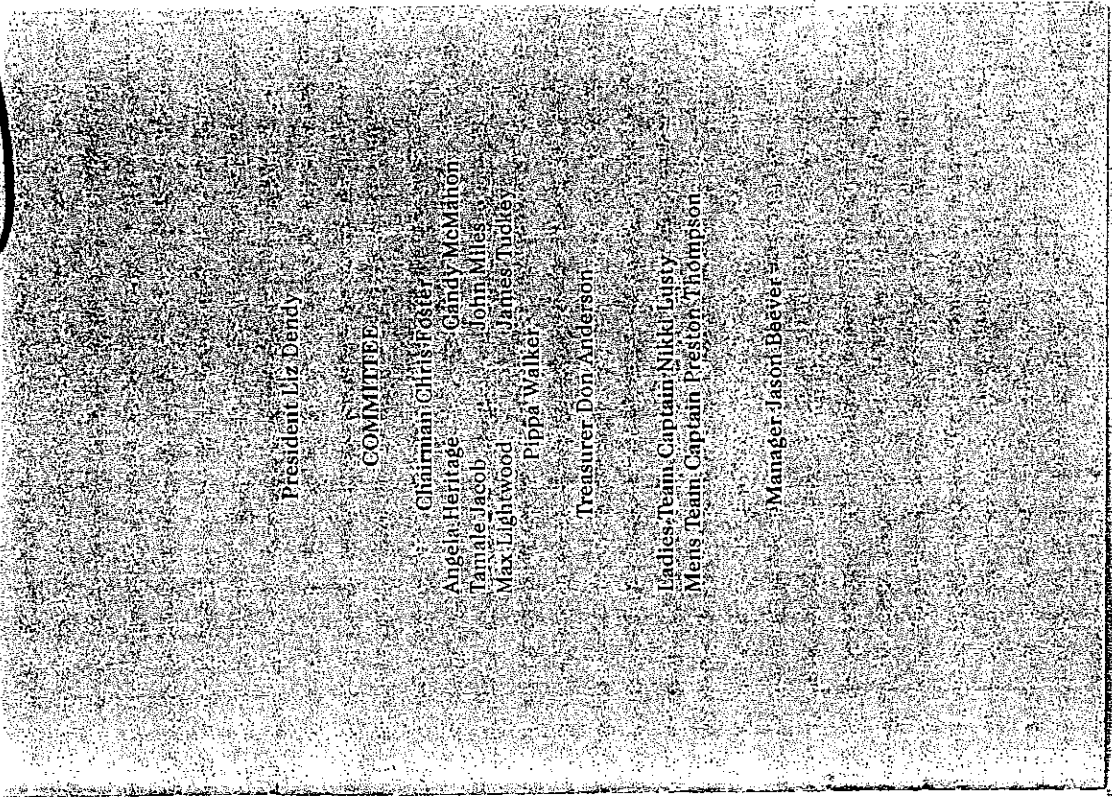
48 Wherever mention is made of "he", "his" or "him" in these Rules, "she" and "her" should be read for female members.

#### NOTES ON PROCEDURE

1 *The Club Committee*  
consists of ten persons responsible for the business of the Club (Art. 28). One half of the Committee retires in each year (Arts 28, 37 and 42).

2 *Annual General Meeting*  
This must be held within fifteen months from the preceding meeting (Art. 6). The business includes the report of the Committee, consideration of the Accounts, and election of Committee members (Art. 11). Resolutions put to the vote are decided by a show of hands unless a poll is demanded (Art. 16). Except for the election of Committee members voting may be personal or by proxy (Art. 23). The election of Committee members is by numbered ballot papers (Arts 34 & 35). All members may attend the AGM but only Full, Under 26 and Veteran members are entitled to vote (Art 15(1)).

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President: Liz Dandy

#### COMMITTEE

Chairman: Chris Foster  
Angela Heritage  
Tamara Jacob  
Max Lightwood  
Gandy McMathon  
John Miles  
James Tuckey  
Pippa Walker

Treasurer: Don Anderson

Ladies Team: Captain: Nikki Laisty

Mens Team: Captain: Preston Thompson

Manager: Jason Baever

Paul!

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**Travers, Carmel: PC-PlanSvc**

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**From:** Henry Manisty [Henry.Manisty@reuters.com]  
**Sent:** 08 December 2000 14:25 ✓  
**To:** plnct@rbkc.gov.uk  
**Subject:** Campden Hill Reservoirs Development

For the attention of Derek Taylor

Dear Mr Taylor,

Yesterday evening, there was an information meeting for residents in Water Tower House hosted by St James Homes and their works contractors.

They stated that it was their intention is to build a two storey brick house on the south side of Aubrey Walk located in what is now a small gated parking area, formerly used by Thames Water employees opposite 12-16 Aubrey Walk.

The house will serve as a marketing suite for St James Homes and will be modelled on the style of the houses that will be built on the developed site. It would be demolished once the properties have been sold. It may therefore to remain on the site for around two years.

We asked whether planning permission had been obtained for this structure and were assured it had been. We asked whether we could see any plans for the building but none were available.

My understanding is that the construction of this house could not fall within the provisions relating to "Temporary Buildings and Uses" in Part 4 of the General Permitted Development Order since this relates to the carrying out of operations-typically the provision of on-site accommodation for workers on the site. It would not seem to authorise the construction of a house for sales and marketing activities.

If this is right, planning permission would indeed be required.

We were informed that the construction of the house will begin in the next few days.

I would be very grateful for your advice on this and in particular whether planning permission has been obtained and, if it has not, whether it will be required.

We are keen to ensure that the construction of the house does not begin before the position is clarified satisfactorily.

I hope all goes well with you.

Henry Manisty

PS Andrew Mitchell of RBKC Environmental Services was also at the meeting.

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MEMORANDUM

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16

To: Executive Director  
Planning and Conservation  
Mike French  
Planning and Conservation  
Paul Kelsey

From: Director of Legal Services

cc:

Your Ref:

My Ref: LP  
Ext: 2180

Date: 14 December 2000

**CAMPDEN HILL RESERVOIR SITE**  
**CONSTRUCTION OF A TEMPORARY BUILDING**

I refer to the letter dated 11<sup>th</sup> December 2000 from Mr Manisty and to my subsequent conversation with Paul.

Class A Part IV of the GPDO provides that;-

“the provision on land of buildings.... required temporarily in connection with and for the duration of operations being or to be carried out on, in, under or over that land or on land adjoining that land”

is permitted development.

Mr Manisty interprets the order to mean that the building is required for “the operations” but I did not think that this is correct. The building only has to be required “in connection with” the operations. The permitted development rights are subject to the condition that the building must be removed at the end of the operations. If it were to be retained beyond that time, it would no longer enjoy permitted development rights and the Council could consider taking enforcement action.

Mr Manisty also refers to the Council’s power to remove permitted development rights pursuant to Article 4 (2) of the Order. The Classes of permitted development to which this power relates are set out in Article 4 (5) and do not include permitted development pursuant to Class A Part (4) of the Order. The Council cannot therefore make an Article 4 (2) direction to remove these permitted development rights.

I trust that the above is helpful but if you wish to discuss this further please do not hesitate to contact me.

LeVerne Parker  
for Director of Legal Services



DT

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*[Handwritten signature]*

**PLANNING AND CONSERVATION**

THE TOWN HALL HORNTON STREET LONDON W8 7NX

THE ROYAL  
BOROUGH OF

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS



Mr. Henry Manisty,  
12 Aubrey Walk,  
LONDON, W8 7JG.

Switchboard: 020 7937 5464  
Extension: 2944  
Direct Line: 020 7361-2944  
Facsimile: 020 7361 3463

**KENSINGTON  
AND CHELSEA**

15 December 2000

My reference: EDPC/MJF

Your reference:

Please ask for: Mr. French

Dear Mr. Manisty,

**Campden Hill Reservoir Site**

I write with reference to your letter of 11 December regarding the construction of a two storey brick building to serve as a sales office for St. James Homes for the above site.

I would inform you that under Class A, Part IV, of the General Development Order, "the provision on land of buildings ... required temporarily in connection with, and for the duration of operations being, or to be carried out, on, in, under or over that land, or on land adjoining that land" is permitted development.

In your letter you seem to interpret the Order to mean that the building is required for "the operations", but in actual fact, the building has only to be required "in connection with" the operations. The permitted development rights are subject to the condition that the building must be removed at the end of the operations.

You also refer to the possibility that the Council removing permitted development rights pursuant to Article 4 (2) of the Order. The Classes of permitted development to which this power relates are set out in Article 4 (5) and do not include permitted development pursuant to Class A, Part (4) of the Order. The Council cannot therefore make any Article 4 (2) direction to remove these permitted development rights.

Yours sincerely,

M. J. French,  
Executive Director, Planning and Conservation.

c.c. Councillor Barry Phelps, Chairman - Planning and Conservation Committee  
Councillor Christopher Buckmaster

**12 Aubrey Walk**  
**London W8 7JG**  
Tel: (020) 7727 8720  
Fax: (020) 7221 4076  
E-mail: [h.manisty@virgin.net](mailto:h.manisty@virgin.net)

RECEIVED BY PLANNING SERVICES  
EX DC N C SW  
14 DEC 2000 51  
APPEALS IO REC ARB FWD CON GEN FEES  
BY FAX

229

Mr. Michael French  
Executive Director  
Planning & Conservation  
Royal Borough of Kensington & Chelsea  
The Town Hall  
Hornton Street  
London  
W8 7NX

11 December 2000

Dear Mr. French

**Campden Hill Reservoirs Site: Construction of a Temporary Building**  
**Town and Country (General Permitted Development) Order 1995 (as amended)**

During a conversation with Paul Kelsey this afternoon, he disclosed that your department has advised St. James Homes that the construction of a two storey brick building in the style of a dwelling house on the south side of Aubrey Walk to serve exclusively as a real estate sales office for St. James Homes falls within the above order ("the Order") and will not therefore require planning permission.

I am writing to request that you reconsider this advice.

**A. Introduction**

Part 4 of the Order, entitled "Temporary Buildings and Uses", reads as follows (emphasis added):

Class A Permitted development: A..... *The provision on land of buildings, movable structures, works, plant or machinery **required** temporarily in connection with and for the duration of operations being or to be carried out on, in, under or over that land or on land adjoining that land....*

Conditions A.2. *Development is permitted by Class A subject to the conditions that, when the operations have been carried out—*

- (a) *any building, structure, works, plant or machinery permitted by Class A shall be removed, .....*

Section 4(2) of the Order contains special provisions applicable to conservation areas, particularly where the building constructed would front open space (see also Section 4 (5))

230 ~~14~~

**B. Analysis**

For the terms of Order to be met, the construction of a building must be **“required”** for **“operations”** and be removed **“when the operations have been carried out”**.

The construction of a building exclusively for the purpose of selling properties is not **“required”** for the **“carrying out”** of the **“operations”**. It would make no difference at all to the **“carrying out”** of the **“operations”** if the building were never constructed.

Furthermore, it seems likely that the building will be **“removed”** not when the **“operations have been carried out”** but when the properties have been sold.

The text of the Order is clear. It is not enough that the building is **“connected with”** a development. The Order stipulates that to fall within its terms the building must be (i) **required** for the (ii) **carrying out** of the (iii) operations.

Even if this interpretation is incorrect, the construction of the proposed dwelling house will be located (i) in a conservation area and (ii) front **“open space”** (open space situated at the entrance to the new Square that the Inspector ruled will continue be **“open space”**.)

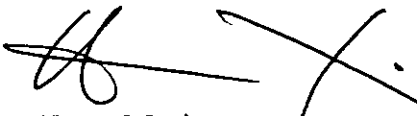
This allows the local planning authority the discretion to restrict an otherwise permitted development.

I do urge RBKC to think again and require the developer to submit a planning application in the normal way for a building that is exclusively required for commercial purposes. If RBKC still believes that the construction of the building falls within the Order, could I please request that it sets out in writing the reasons for this belief.

According to the contractor, construction of the building will be begun in the next few days. It would be excellent if a stay on construction could be imposed while the matter is considered further.

With thanks and best regards

Yours sincerely



Henry Manisty

cc Cllr Buckmaster, local residents.

**French, Michael: PC-GrpSvc**

**From:** Barry Phelps [barry.phelps@virgin.net]  
**Sent:** 17 December 2000 19:48  
**To:** French Michael  
**Cc:** Holt Tony  
**Subject:** Weekend Misc 16.12.00

(19)  
19/12  
21  
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NC

1. Shopfront grant 2 Hogarth Road. I am broadly happy with this but before giving my imprimatur: were there not pillars and corbels on the original shopfront? If so are we not insisting on their restoration? (Not mentioned in plan.)

MSF  
LP

2. Brick Sales Office at Campden Hill reservoir. Not happy with the law as you understand it but life is too short for me to go into that. However I trust that the developer is under no illusions that he will be able, later, to apply for planning permission for the damn thing, Appeal when we refuse it and spin the process out until we give way, exhausted?

3. I am lost in admiration for the promptness with which we answered Mr Henry Manisty's letter to you of the 11th on the Campden Hill reservoir. It is good that our paperwork can be turned round so rapidly.

4. By Monday it will have been a week since I sent you my draft letter to ECHO canopies for fine-tuning by you and legal.

LP  
MSF

5. SC7 - UDP Revision. Further to our vigorously pursued policy of the legalised theft of private property rights I wonder if (as Cllr Buckmaster suggests) we might be empowered in law to include safeguarding for private educational purposes if we were so minded? Or not?

BP



To W.P. 18/12

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~~179~~

Dear Mr. Head.

I do not know whether you have seen the reply from Henry Tammy - what with Christmas Post etc. However it appears to raise additional issues than those outlined in your letter of Dec. 15<sup>th</sup>. The residents' fear is that work will start this week - hence the urgency.

Yours

Anthony Platt

12 Aubrey Walk  
London W8 7JG

Tel: (020) 7727 8720

Fax: (020) 7221 4076

E-mail: [h.manisty@virgin.net](mailto:h.manisty@virgin.net)

233

DEC



R.B.K. & C.  
TOWN PLANNING

18 DEC 2000

RECEIVED

Mr. MJ French  
Executive Director  
Planning and Conservation  
The Town Hall  
Hornton Street  
London  
W8 7NX

18 December 2000

Dear Mr. French,

**Campden Hill Reservoirs Site**

Thank you very much for letter of 15 December. I regret that I disagree with the wide interpretation to the meaning of the General Development Order that is contained in your letter.

The General Development Order refers to "buildings... **required** temporarily in connection with, and for the duration of **operations**..." The use of the words "**required**" and "**operations**" are key to the meaning of this provision.

Building "**operations**" are defined under Section 55 of the Town & Country Planning Act 1990 to include:

- (a) demolition of buildings;
- (b) rebuilding;
- (c) structural alterations or additions to buildings; and
- (d) other operations normally undertaken by a person carrying on business as a builder.

It is clear from the language of the General Development Order that the concession allowing the construction of temporary accommodation is to facilitate building operations of that kind.

If correct, the wide construction that your letter places on the words of the General Development Order would authorise **any** activity, commercial or otherwise, where there is **some** connection with "operations". Such a wide construction would permit a developer to construct temporarily any of the following structures in order to promote sales of properties on a site to would-be customers:

- a multi-storey car park;
- a restaurant/bar/leisure complex for the use of customers;
- a helicopter landing pad;

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~~RBKC~~

- a high tower on which to place commercial advertising connected with the site, and
- etc etc etc ( there are hundreds of other uses that could fall within your wide interpretation of the meaning of the Order.)

St James Homes is about to construct a two storey building. Under no stretch of the imagination, could the building be said to be "required.....in connection with...operations..." The building is not "required" for the "operations". It is in fact irrelevant to the "operations", which would be completed without it.

Its purpose is exclusively to facilitate the sale and marketing of properties. That is a separate commercial purpose that does not fall within the General Development Order.

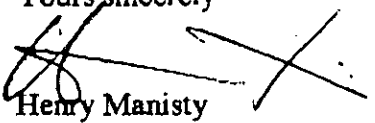
Unless the legal position is completely clear, permitting a temporary two storey sales and marketing building to be erected and remain standing, possibly for up to two years, will send quite the wrong signals to residents and voters in RBKC who are of course subject to planning controls for relatively minor changes to domestic properties. They will not understand why a property developer is allowed to erect a structure of this type.

I do urge you to double-check that the wide construction now being placed by RBKC on the meaning of the General Development Order is in fact correct. Furthermore, it must make sense for RBKC not to create a precedent that could lead to abuse in the future.

I understand that the construction of the sales and marketing building will begin within the next few days.

With best wishes

Yours sincerely



Henry Manisty

Cc Cllr Buckmaster, local residents.

12 PITT STREET  
LONDON W8 4NY

Tel: 020-7937 1888

Fax: 020-7937 5567

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1/2

18 December 2000

by fax 7 361 3463

M French Esq  
Executive Director Planning and Conservation  
The Royal Borough of Kensington & Chelsea  
The Town Hall  
Hornton Street  
London W8 7NX

Dear Mr French

**Campden Hill Reservoir Site**

Further to my previous faxed letter of to-day's date I have now had an opportunity to see the exchange of correspondence between you and Mr Manisty, dated 15 December and 18 December.

I think it would be fair to say that to view a sales office, as being "for the duration and in connection with" building operations would be to stretch permitted development at and beyond the limit. The impossibility of this interpretation must be clear from the fact that the operations are not in any way facilitated by the sales office and the sales office must come down on practical completion. The order is intended only for site offices, not sales offices.

This is setting an extremely undesirable precedent in our Borough, and I simply fail to understand why we are doing it.

Yours sincerely



Robert Freeman

Cc: Cllr T Ahern  
Cllr C Buckmaster

copy to Paul

RECEIVED BY PLANNING SERVICES							
EX DIR	HDC	N	G	SW	SE	ENF	AO ACK
28		22 DEC 2000					
APPEALS	IO	REC	ARB	FWD PLN	CON DES	FEES	



12 PITT STREET  
LONDON W8 4NY

Tel: 020-7937 1888

Fax: 020-7937 5567

236  
~~123~~

18 December 2000

by fax 7 361 3463

M French Esq  
Executive Director Planning and Conservation  
The Royal Borough of Kensington & Chelsea  
The Town Hall  
Hornton Street  
London W8 7NX

Dear Mr French

**Campden Hill Reservoir Site**

I have had an opportunity of seeing the letter sent to you by Mr Manisty.

I think it must be incorrect that Mr Kelsey is said to have given the advice to St James's Homes that their building comes within the definition of permitted development. This is so clearly not the case.

I look forward to hearing from you about this as a matter of urgency.

Yours sincerely



Robert Freeman

Cc: Cllr T Ahern  
Cllr C Buckmaster  
Mr H Manisty

*copy to Paul*

RECEIVED BY PLANNING SERVICES							
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(20)		22 DEC 2000					
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MEMORANDUM

237  
~~12/19~~

---

To: Executive Director  
Planning and Conservation  
cc:

From: Director of Legal Services

---

Your Ref: Mike French

My Ref: LP  
Ext: 2180

---

Date: 19 December, 2000

**CAMPDEN HILL RESEVOIR SITE**

I refer to the letter dated 18<sup>th</sup> December 2000 from Mr Manisty. I have asked John Zukowski to review my advice and he agrees with my interpretation of the relevant part of the GPDO. In my view, the proposed sales and marketing building can be said to be required in connection with the operations on site. Such buildings are commonly constructed during the development of housing schemes, for example, the Barrett site at Russell Road. I do not accept that the Council's interpretation will necessarily permit a developer to construct the types of structures Mr Manisty suggests which are not normally associated with the construction of housing developments.

*LeVerne Parker*

LeVerne Parker  
for Director of Legal Services

12 PITT STREET  
LONDON W8 4NY

Tel: 020-7937 1888  
Fax: 020-7937 5567



18 December 2000

by fax 7 361 3463

M French Esq  
Executive Director Planning and Conservation  
The Royal Borough of Kensington & Chelsea  
The Town Hall  
Hornton Street  
London W8 7NX

Dear Mr French

**Campden Hill Reservoir Site**

Further to my previous faxed letter of to-day's date I have now had an opportunity to see the exchange of correspondence between you and Mr Manisty, dated 15 December and 18 December.

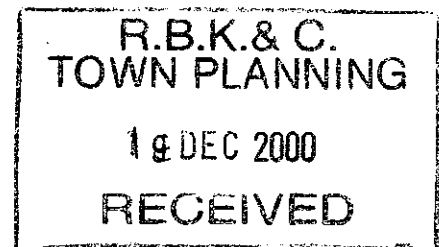
I think it would be fair to say that to view a sales office, as being "for the duration and in connection with" building operations would be to stretch permitted development at and beyond the limit. The impossibility of this interpretation must be clear from the fact that the operations are not in any way facilitated by the sales office and the sales office must come down on practical completion. The order is intended only for site offices, not sales offices.

This is setting an extremely undesirable precedent in our Borough, and I simply fail to understand why we are doing it.

Yours sincerely

Robert Freeman

Cc: Cllr T Ahern  
Cllr C Buckmaster



PK  
~~PLANNING AND CONSERVATION~~

~~THE TOWN HALL HORNTON STREET LONDON W8 7NX~~

~~Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS~~

~~THE ROYAL  
BOROUGH OF~~



~~KENSINGTON  
AND CHELSEA~~

Mr. Henry Manisty,  
12 Aubrey Walk,  
LONDON, W8 7JG.

Switchboard: 020 7937 5464  
Extension: 2944  
Direct Line: 020 7361-2944  
Facsimile: 020 7361 3463

239  
21 December 2000

My reference: EDPC/MJF

Your reference:

Please ask for: Mr. French

Dear Mr. Manisty,

**Campden Hill Reservoir Site**

Thank you for your letter of 18 December regarding the proposed erection of a sales and marketing building in connection with development of the above site. I have sought legal advice on the contents of your letter and I have to inform you that the Legal Department's officers do not wish to change the advice which they gave me earlier. In their opinion, the proposed structure is covered by the General Permitted Development Order, and can be erected and retained as permitted development.

I propose to write to St. James Homes Ltd. reminding them of the requirements of the GPDO and also that it must be removed upon completion of the development.

Yours sincerely,

M. J. French,  
Executive Director, Planning and Conservation.

c.c. Councillor Barry Phelps, Chairman - Planning and Conservation Committee  
Councillor Tim Ahern  
Councillor Christopher Buckmaster  
Councillor Robert Freeman

12 Aubrey Walk  
London W8 7JG  
Tel: (020) 7727 8720  
Fax: (020) 7221 4076  
E-mail: [h.manisty@virgin.net](mailto:h.manisty@virgin.net)



Mr. MJ French  
Executive Director  
Planning and Conservation  
The Town Hall  
Hornton Street  
London  
W8 7NX

18 December 2000

Dear Mr. French,

**Camden Hill Reservoirs Site**

Thank you very much for letter of 15 December. I regret that I disagree with the wide interpretation to the meaning of the General Development Order that is contained in your letter.

The General Development Order refers to "buildings... required temporarily in connection with, and for the duration of operations..." The use of the words "required" and "operations" are key to the meaning of this provision.

Building "operations" are defined under Section 55 of the Town & Country Planning Act 1990 to include:

- (a) demolition of buildings;
- (b) rebuilding;
- (c) structural alterations or additions to buildings; and
- (d) other operations normally undertaken by a person carrying on business as a builder.

It is clear from the language of the General Development Order that the concession allowing the construction of temporary accommodation is to facilitate building operations of that kind.

If correct, the wide construction that your letter places on the words of the General Development Order would authorise any activity, commercial or otherwise, where there is some connection with "operations". Such a wide construction would permit a developer to construct temporarily any of the following structures in order to promote sales of properties on a site to would-be customers:

- a multi-storey car park;
- a restaurant/bar/leisure complex for the use of customers;
- a helicopter landing pad;

- a high tower on which to place commercial advertising connected with the site; and
- etc etc etc ( there are hundreds of other uses that could fall within your wide interpretation of the meaning of the Order.)

10  
241

St James Homes is about to construct a two storey building. Under no stretch of the imagination, could the building be said to be "required....in connection with...operations..." The building is not "required" for the "operations". It is in fact irrelevant to the "operations" which would be completed without it.

Its purpose is exclusively to facilitate the sale and marketing of properties. That is a separate commercial purpose that does not fall within the General Development Order.


Unless the legal position is completely clear, permitting a temporary two storey sales and marketing building to be erected and remain standing, possibly for up to two years, will send quite the wrong signals to residents and voters in RBKC who are of course subject to planning controls for relatively minor changes to domestic properties. They will not understand why a property developer is allowed to erect a structure of this type..

I do urge you to double-check that the wide construction now being placed by RBKC on the meaning of the General Development Order is in fact correct. Furthermore, it must make sense for RBKC not to create a precedent that could lead to abuse in the future.

I understand that the construction of the sales and marketing building will begin within the next few days.

With best wishes

Yours sincerely

  
Henry Manisty

Cc Cllr Buckmaster, local residents.

MEMORANDUM

242

To: Executive Director,  
Planning and Conservation  
cc:

From: Director of Legal Services

Your Ref: MIKE FRENCH

My Ref: LP  
Ext: 2180

Date: 05 January 2000

**CAMPDEN HILL RESERVOIR SITE**  
**SALES AND MARKETING SUITE**

I refer to the further letter dated 31<sup>st</sup> December 2000 from Mr Manisty. I would comment as follows;-

I agree that your letter to St. James Homes should refer to the requirement to remove the building upon completion of the operations.

Provided the building is used in connection with the operations being carried out, no additional controls can be placed on the use of the building. If, for example, as Mr Manisty suggests might happen, St. James were to use the building to sell and market properties not on the site this would fall outside the use of the building permitted by Class A Part IV.

I would comment on his numbered points on page 2 as follows;-

Para. 1.

If the building and its use falls within Class A the traffic implications are irrelevant unless they can be put forward as grounds for making an Article 4 (1) direction. Such a direction needs to be confirmed by the Secretary of State and cannot be retrospective.

Para. 2.

Mark Raisbeck has advised me that parking bays are not being suspended for the sales and marketing suite. There would be no question of this happening nor of providing additional metered spaces.

Para 3

If the building is used in connection with the operations being carried out, there can be no controls placed on the hours it is so used.

Para 4.

RECEIVED DIRECTOR OF PLANNING SERVICES							
EX DUR	HOC		C	SW	SE	ENF	AO ACK
43 - 8 JAN 2001							
				FWD PLN	CON DES	FEES	

243

I do not think that we could argue that the premises could not be open on Saturday afternoons and Sundays even if builders are not working on site. The building can be constructed and used in connection with the "operations" as a whole and is not restricted to being used when particular operations are being carried out.

Para 5

It would be a matter of fact and degree whether any promotional events take the use of the building outside Class A.

Para 6

If the premises are used to any material degree to facilitate the selling and marketing of properties not on the site, this would take the development outside of Class A.

Para 7

I have checked with the Finance Department and the building will be assessed for business rates. Please could you advise Anita Murray in Finance when the building has been constructed.

I think Mr Manisty is setting a few hares running about what or what might not happen. In view of the controversy that this building is generating when you write to St. James, I think it would be worth clarifying with them exactly how they propose to use it and what the opening hours etc will be.

Sue Billington

PD

LeVerne Parker  
for Director of Legal Services



12 Aubrey Walk  
London W8 7JG

Tel: (020) 7727 8720

Fax: (020) 7221 4076

E-mail: [h.manisty@virgin.net](mailto:h.manisty@virgin.net)

244  
18/1/01

Mr. M.J French  
Executive Director  
Planning and Conservation  
The Town Hall  
Hornton Street  
London  
W8 7NX

RECEIVED BY PLANNING SERVICES							
EV DIR	HDC	N	C	SW	SE	ENF	AO ACK
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31 December 2000

Dear Mr. French,

**Campden Hill Reservoir Site: Sales and Marketing Suite**

Thank you for your letter of 21 December.

I very much regret that RBKC continues to believe that the construction of a substantial two storey building\* to be used exclusively by St. James Homes for sales and marketing (commercial) purposes does not require planning permission, but falls instead within the terms of Class A Part IV of the General Development Order permitting the construction of temporary accommodation that is « *required temporarily in connection with and for the duration of 'operations'* ».

I also note that you propose to write to St. James Homes « reminding them of the requirements of the GPDO and also that it must be removed upon completion of the development. » ( emphasis added).

With regard to your proposed letter to St. James, the text of the General Permitted Development Order in fact limits the provision of temporary buildings to the « *duration of operations* ». To remove any possible ambiguity, the Order also expressly requires any temporary buildings to be removed « *when the operations have been carried out* » (emphasis again added). I would be grateful if, in line with the text of the Order, you could use the word « *operations* » rather than « *development* » in your letter since it is very probable that St. James Homes will not regard the « *development* » to be 'complete' until it has found buyers for all the units on the site. Your letter could legitimise the continued presence of the commercial sales and marketing premises several months after the 'operations' have been completed. That would be inconsistent with the terms of the Order.<sup>#</sup>

Allowing the erection of a substantial two storey commercial building in a conservation area for an estimated period of 2 years without the requirement of planning permission is an abuse of the planning process. The relevant paragraphs of Class A Part IV of the General Development Order refer only to 'operations'. It is very clear what kinds of (demolition and

\* the building will have approximately the width of the 4 terraced houses in Aubrey Walk that will face it.

<sup>#</sup> The statutory requirement for temporary structures to be removed on completion of 'operations', is clearly inconsistent with the possible needs of ancillary non-operational purposes connected with a development, such as the selling and marketing of properties. These ancillary requirements will often continue after the 'operations' themselves have been completed. If the draftsman had intended such activities to benefit from the Order, as RBKC now appears to believe, the « *removal* » requirements would have been drafted differently.

construction) operations the temporary structures concession was intended to facilitate, and that the running of a commercial real estate office is not one of them. RBKC is, therefore, on the point of creating a bad precedent. In future, any request for the construction of any temporary structure will be allowed, provided there is some connection with a development.

~~10~~  
245

That is not what the Order says or intended, and residents and voters in RBKC, who are required to obtain planning permission for minor property alterations, will not understand how such abuse can be tolerated. As noted above, the use of the word « *development* », rather than « *operations* », in your proposed letter to St. James Homes exemplifies the confusion that appears to exist.

Can you please clarify what thought has been given to the following points :

1. The volume, and implications, of traffic to and from the commercial premises;
2. the effects on parking, including whether there will be/have already been application(s) that relate to the commercial premises for additional metred spaces and/or for suspension of residents parking bays;
3. whether any controls will be placed on the hours of operation of the commercial premises?
4. Whether the commercial premises could be open on Saturday afternoons and Sundays when the 'operations' themselves are required to be closed? If so, what controls if any will be placed on the days of operation of the commercial premises?
5. Whether any controls will be placed on sales and marketing promotional events, including social functions, that may be organised by St. James Homes in the commercial premises?
6. Whether any controls will be placed to prevent use of the commercial premises in any way to facilitate the selling and marketing of properties not on the site? and
7. Whether the commercial premises will be assessed for council tax, or will it be permitted to benefit from council services at no charge and therefore at a cost to RBKC council tax payers?

Once again, I would request RBKC to reconsider its position and to require the developer to submit a planning application in the normal way for a substantial two storey premises that will be used exclusively for commercial purposes. If this is not possible, could I please ask you to forward me the forms required for a reference to the Local Government Ombudsman.

In any event, I look forward to receiving your answers to the points raised above.

With best wishes for the New Year.

Yours sincerely



Henry Manisty  
cc Councillors Tim Ahern, Christopher Buckmaster and Robert Freeman, local residents.

\* St James Homes, and its parent the Berkeley Group, have extensive property portfolios in and around London. It would be unrealistic not to expect the commercial premises to be used to support the wider sales and marketing activities of the developer.

**French, Michael: PC-GrpSvc**

---

**From:** Barry Phelps [barry.phelps@virgin.net]  
**Sent:** 13 January 2001 15:29 -  
**To:** French Michael  
**Cc:** Ahern Tim; Holt Tony; Freeman Robert; Buckmaster Christopher  
**Subject:** CAMPDEN HILL RESEVOIR SALES HOUSE

246



Dear Mr French

Invariably I seek professional guidance from you and the Director of Legal Services - knowing that I would resent my chairman listening to outside advice if I were Executive director. But in the case of the St James Sales House I am extremely unhappy and feel we must review this. Please have all papers and plans available when we meet on Monday 15th.

✓

I think that a meeting between you, me and Cllr Buckmaster (at the least) on this matter is now essential - and urgent.

BP

PLANNING AND CONSERVATION

THE TOWN HALL HORNTON STREET LONDON W8 7NX

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

Mr. Henry Manisty,  
12 Aubrey Walk,  
LONDON, W8 7JG.

Switchboard: 020 7937 5464  
Extension: 2944  
Direct Line: 020 7361-2944  
Facsimile: 020 7361 3463

PK info  
THE ROYAL  
BOROUGH OF



KENSINGTON  
AND CHELSEA

29 January 2001

My reference: EDPC/MJF

Your reference:

Please ask for: Mr. French

Dear Mr. Manisty,

**Campden Hill Reservoir Site Sales Office**

I write with reference to your letter of 31 December regarding the above matter, and would apologise for the delay in responding. I would agree with you that my letter to St. James Homes must refer to the requirement to remove the building upon completion of the operations. Provided the building is used in conjunction with the operations being carried out, no additional controls can be placed on the use of the building i.e. you suggest St. James Homes may use the building to sell and market properties not on this site. This clearly would fall outside the permitted use of the building under Class A, Part IV.

With regard to the specific points which you have made, I will deal with these in order of your letter:

1. If the building and its use falls within Class A, the traffic implications are irrelevant unless they can be put forward as grounds for making an Article 4 (1) Direction. Such a Direction needs to be confirmed by the Secretary of State and cannot be retrospective.
2. I am advised that parking bays are not being suspended for the sales and marketing office; there can be no question of this happening nor of the Council providing additional meter spaces.
3. Provided the building is used in connection with the operations being carried out, there can be no controls placed on the hours it is so used.
4. I think it would be difficult for the Council to argue that the premises could not be open on Saturday afternoons and Sundays if the builders are not working on site. The building can be constructed and used in connection with the operations as a whole and is not restricted to being used when particular operations are being carried out.
5. It would of course be a matter of fact or degree whether any promotional events take the use of the building outside Class A.
6. If the premises are used to any material degree to facilitate the selling and marketing of properties not on the site, this would take the development outside of Class A.
7. I have checked with the Finance Department and the building, once constructed, will be assessed for business rates.

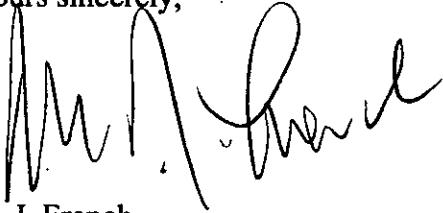
As you know, the nature of the sales and marketing office was considered under Any Other Business at the Planning and Conservation Committee on 15 January, and the Committee confirmed that the erection and retention of this accommodation was permitted development not requiring planning permission.

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The Committee also asked that a letter be sent to St. James Homes setting out the terms of the Council's agreement on permitted development, and also ensuring that the building would be removed upon completion of the operations.

With regard to your reference to the Local Government Ombudsman, I would inform you that he can be contacted at 21 Queen Anne's Gate, SW1H 9BU, and his primary role is to look at maladministration.

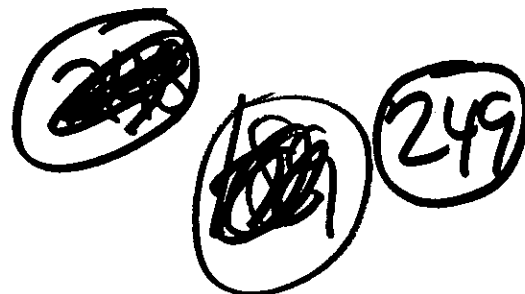
Yours sincerely,



M. J. French,  
Executive Director, Planning and Conservation.

- c.c. Councillor Barry Phelps - Chairman, Planning and Conservation Committee.  
Councillor Tim Ahern  
Councillor Christopher Buckmaster  
Councillor Robert Freeman

12 Aubrey Walk  
London W8 7JG  
Tel: (020) 7727 8720  
Fax: (020) 7221 4076  
E-mail: [h.manisty@virgin.net](mailto:h.manisty@virgin.net)



Mr. Richard Hemmings  
Head of Legal Services  
The Royal Borough of Kensington and Chelsea  
The Town Hall  
Hornton Street  
London  
W8 7NX

30 January 2001

Dear Mr. Hemmings,

## Re Campden Hill Reservoirs Development

### 1. Introduction

I am writing in connection with Advice that your Department is understood to have given concerning the construction of a substantial two storey brick built structure fronting Aubrey Walk that will be used exclusively by the developer St. James Homes for the selling and marketing of properties that will be built on the above site. It is also understood that the Developer St. James Homes has been asked to provide assurances that the building will be removed once the development is completed. It is expected that the building will remain standing for approximately two years.

Local residents oppose the construction of the sales building on the grounds that:

- It represents unauthorised development within the Kensington Conservation Area;
- It constitutes an unhelpful planning precedent that will be exploited in future developments within RBKC;
- Its construction and subsequent demolition add unnecessarily to the disturbance caused to residents from the development of the site;
- It will reduce light to the row of terraced houses that it will face;
- It will impede views over protected Open Space; and
- It is likely to remain standing for an unspecified period after "operations" have been completed.

Residents are now preparing a reference to the Local Government Ombudsman on the grounds that RBKC has misdirected itself as to the law to the detriment of local residents. It is the contention of residents that a brick built structure-**that the developer has admitted will be used exclusively for sales and marketing purposes and not in connection with operations**-cannot possibly fall within the concession contained in Class A Part IV of the General Permitted Development Order relating to temporary structures that are "*required temporarily in connection with operations*".

Residents have no desire to make a reference to the Local Government Ombudsman. The purpose of this letter is to urge your Department to reconsider the legal position and, if on further review of the facts, it finds that the GPDO is inapplicable, to arrange for further work on the building to be halted. At the present time, only the concrete base of the building has been laid.

25D



## 2. The Legal Basis for the Construction of the Sales and Marketing Building

Although Mr. Roger Fortune, the St. James Homes Project Manager for the site, assured a public information meeting on 24 January that planning permission for the sales building had been applied for and obtained from RBKC under delegated authority, it has been confirmed by Michael French that no planning permission of any kind has been obtained for the building.

RBKC's position, on the basis of advice it is understood was received from your Department, has been that no planning permission is required for the building. As set out in his letter of 15 December from Mr. French, it is apparently believed that the construction of the building falls within Class A, Part IV of the General Development Order permitting "*the provision on land of buildings...required temporarily in connection with, and for the duration of operations being, or to be carried out on, under or over that land, or on land adjoining that land.*"

It is common ground, as a matter of fact, that the building is not "*required temporarily in connection with operations.*" (emphasis added) This was confirmed by Roger Fortune of St. James Homes at the public meeting referred to above. When asked if the building was so required, Mr. Fortune replied: "*No, not at all, the building will be used only for sales purposes.*" Having provided this clarification, he agreed that planning permission would be required for the building before claiming, apparently incorrectly, that planning permission had been obtained.

The architects plans for the building remove any residual doubt that the building will be used exclusively for purposes connected with the sale of houses on the site, and not for purposes required in connection with the construction and demolition operations for which the concession for temporary structures within the GPDO is intended. The building will have external facings modelled on the completed buildings. Its interior will contain model kitchens, bathrooms and other rooms of a style that will be used for the completed houses on the site.. It was also confirmed at the public meeting that the building would be staffed by sales representatives and not by operatives working on the operations on the site.

Under no stretch of the imagination could it be said that the building is required in connection with operations and, as recorded above, not even the developer claims that this is the case. Indeed, at that meeting, it was apparent from remarks made in public by Tim Hohman, Site Project Manager for O'Rourke the building contractor, that there is some disagreement between St. James Homes and O'Rourke over scheduling the building. Mr. Hohman indicated that he was in favour of delaying the construction of the building to minimise interference with the operations.

In other words, instead of being **required** in connection with operations, the building will, in fact, **impede** the operations and should be scheduled at a time when it will cause minimum interference with the operations.

Residents have instructed Mr. Phillpot, a planning counsel who has confirmed that the building could not come within the terms of the GPDO. His written Advice is attached.

## 3. Conclusion

In his report to Council of 16 January, the Chairman of the Planning Services Committee expressed concern about the temporary structure and what he described as "*this elasticated use of the law.*" In his e-mail to me of the following day he added: "*I shall be taking steps to make sure that what we both consider an abuse of planning law does not recur.*"

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RBKC and residents are at one, therefore, in believing that the construction of this building is an "abuse". However, the Chairman of the Planning Services Committee and the Executive Director Planning and Conservation believe that RBKC is prevented from taking steps to protect the borough from this abuse because of legal advice received from your department.

Planning counsel retained by residents, advises that the abuse can be prevented. Indeed he is of the opinion that the construction of the sales building without planning permission is in breach of planning law.

In these circumstances I do urge you to satisfy yourself that the Advice that it has said your department has already furnished, is correct.

I am sorry to trouble you with this.

With best wishes

Yours sincerely

Henry Manisty



**PLANNING AND CONSERVATION**

THE TOWN HALL HORNTON STREET LONDON W8 7NX

THE ROYAL  
BOROUGH OF

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

PK info  
352  
[Handwritten initials]



**KENSINGTON  
AND CHELSEA**

Mr. Martin Simms,  
Land Director,  
St. James Homes Ltd.,  
Wellington House, 209-217 High Street,  
Hampton Hill,  
Middx. TW12 1NP.

Switchboard: 020 7937 5464  
Extension: 2944  
Direct Line: 020 7361-2944  
Facsimile: 020 7361 3463

31 January 2001

My reference: EDPC/MJF

Your reference:

Please ask for: Mr. French

Dear Mr. Simms,

**Campden Hill Reservoir, Campden Hill Road, W.8.**

I write with reference to the sales and marketing office which you propose to erect for use in connection with the above development.

As you will be aware, Schedule 2, Part 4 of the Town and Country Planning (General Permitted Development) Order 1995 does allow for the erection of such temporary structures without the need for formal planning permission being granted; however, you will also be aware that such permitted development rights only exist during the period of building operations, and upon completion of the operations, the sales and marketing office must be removed.

Given concerns expressed by a number of local residents and Ward Councillors, I would ask you to confirm that, upon completion of the building operations, the sales and marketing office will be promptly removed. Failure to do so, could result in the Council having to take further action which, I hope, can be avoided.

Yours sincerely,

M. J. French,  
Executive Director, Planning and Conservation.

- b.c.c. Councillor Barry Phelps - Chairman, Planning and Conservation Committee
- Councillor Tim Ahern
- Councillor Christopher Buckmaster
- Councillor Robert Freeman



# ST JAMES HOMES

253  
[Handwritten initials]

Our ref: MS/cm

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

1<sup>st</sup> February 2001

Dear Mr French

**Re: Campden Hill Reservoir Site - W8**

I acknowledge receipt of your letter dated 31<sup>st</sup> January regarding the concerns expressed by local residents and Ward Councillors relating to our proposed sales and marketing offices.

I can confirm that we will remove the sales offices upon completion of our building operations and hopefully before that time, if all of the dwellings are sold.

Yours sincerely

Martin Simms  
Deputy Managing Director

copy to central

RECEIVED BY PLANNING SERVICES							
EX DIR	HDC	N	C	SW	SE	ENF	AO ACK
2 - FEB 2001							
APPEALS	IO	REC	ARB	FWD PLN	CON DES	FEEES	

cc: G. Hopping  
P. Hull

PK  
**PLANNING AND CONSERVATION**

THE TOWN HALL HORNTON STREET LONDON W8 7NX

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

254  
PK

**THE ROYAL  
BOROUGH OF**



**KENSINGTON  
AND CHELSEA**

Mr. Henry Manisty,  
12 Aubrey Walk,  
LONDON, W8 7JG.

Switchboard: 020 7937 5464  
Extension: 2944  
Direct Line: 020 7361-2944  
Facsimile: 020 7361 3463

10 May 2001

My reference: EDPC/MJF

Your reference:

Please ask for: Mr. French

Dear Mr. Manisty,

**Campden Hill Reservoir Site Sales Office**

Further to your recent request, I herewith enclose a copy of my previous correspondence with the architects and developers regarding the sales office.

Yours sincerely,

M. J. French,  
Executive Director, Planning and Conservation.

c.c. Ms. LeVerne Parker, Principal Planning Solicitor.

1.0 SITE/PREMISES

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

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

**2.0 DETAILS OF PROPOSAL**

2.1 It is proposed to redevelop the site to provide 19 houses, 48 flats, a tennis club with 13 courts, underground parking for the houses and flats, and ancillary landscaped areas. These details apply to the revised version of the original planning application for the site, ref. TP/98/2126, and the new planning application ref. PP/99/0733. The full list of reference numbers, together with the recommended decision for each, is provided on the cover sheet to this report.

The Demolition

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

General Arrangement and Orientation

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

2.4 The built coverage of the site would leave approximately 8,937 sq.m of the developable area of the site (but excluding private residential gardens) as open space, either soft or hard landscaped. As such, the proposal would result in a reduction of approximately 30% of the existing open space on this site.

Housing Mix

2.5 The 19 houses would all be four bedroomed family sized houses, each with its own garden.

2.6 Twenty-nine flats are proposed for the Campden Hill Road block, and seventeen for the Aubrey Walk block. Two more flats are located at the northern end of the West terrace to the proposed square. The 48 flats proposed comprise the following mix:

2 bedroom flats	34
3 bedroom flats	14
	48

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

2 bedroom flats	9
3 bedroom flats	8
	17

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

#### Density

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

#### Recreational facilities

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

2.11 The six upper level (outdoor) courts are each to be of championship standard, four of them floodlit.

#### Means of Vehicular and Pedestrian Access

2.12 An underground car park at basement level will provide 92 parking spaces, including 12 disabled spaces. This provides 2 spaces for each house, and one for each flat. 9 visitor spaces are proposed.

2.13 Access to the underground car park is provided through an on-site access road and ramp, with the point of access/egress being 30m into Aubrey Walk from its junction with Campden Hill Road, in approximately the same location as the existing access/egress to the parking area at the rear of Water Tower House. The existing vehicular access opposite Hillsleigh Road and the access to the small parking area would be removed, and the access/egress to/from Campden Hill Road would not be used as part of the proposed development, but would remain for the use of Kensington Heights.

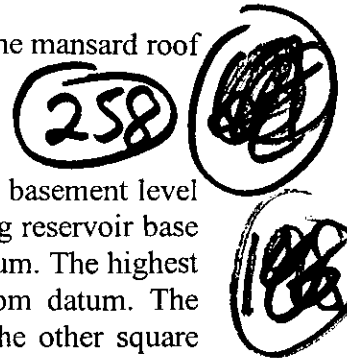
#### Form and Scale

2.14 The Campden Hill block is proposed to be part six storey, part five storey. The proposed roof form is a flat roof, stepping back on the sides above the third floor. It is proposed that the height of this block is at its greatest closest to Kensington Heights, being six storeys at that section, with some setting back of the top two storeys from the North (Aubrey Walk) elevation so as to present a three storey main elevation Aubrey Walk. The main parapet height to Campden Hill Road would run at 14.2m above the pavement level of Aubrey Walk. The highest part of the roof would be 20.8m above Aubrey Walk pavement level.

2.15 The Aubrey Walk block is proposed to be of three storeys with a pitched roof. The roof would have a maximum height of 12.2m from Aubrey Walk pavement level at its apex, with the main parapet running at a height of 10.2m.

2.16 The main terraces of the square would be of a basement, ground floor, and three upper floors including an attic storey. They would be four storeys from the new deck level, the deck level constructed over a basement parking area which would be constructed at the level of the existing reservoir slab. The roof form would be a traditional mansard, with chimneys on the party walls separating the properties. The main parapet of these houses

would run at 11.6m above the finished level of the square, and the apex of the mansard roof would reach a height of 14.2m from the square.



Datum

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

Detailed Design

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

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



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

#### Landscaping

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

#### The Thames Water shaft

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

### **3.0 RELEVANT PLANNING HISTORY**

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



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**4.0 PLANNING CONSIDERATIONS**

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

**Archaeology**

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

**Principle of demolishing the existing Reservoirs and ancillary buildings**

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

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

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

- (261)
- 4.6 Taking (a) first, the contribution made by the reservoirs and ancillary buildings to the character or appearance of the Conservation Area must first be gauged. The impact of the removal of these structures must then be assessed, in the light of the above Policy.
- 4.7 The built structures of the reservoirs, and their ancillary buildings including the old pump house, are of some historic interest, although not sufficient to warrant Listing, which has been explored. English Heritage confirmed by letter dated 25th February 1998 that the brick built, vaulted reservoirs were fairly standard for their period, with a number of others surviving, and that they were not "of the special architectural or historic interest required to warrant Listing." A Certificate of Immunity from Listing was issued on 23rd March 1999, valid for five years. The matter of formal Listing aside, the brick reservoir structures are still considered to be of some local interest, however it is not considered that they make a *positive* contribution to the character or appearance of the Conservation Area in themselves.
- 4.8 However, the site contains more than the bricks of the reservoirs, and more than the bricks of the reservoirs would be removed under this proposal. The large embankments built up around the reservoirs support trees and other planting widely cherished as part of the character and appearance of the Conservation Area. The embankments were introduced originally to help support the enclosing walls of the reservoir, and although there is no evidence that they were landscaped with the aim of improving the visual amenity of the site that is a role they do perform today.
- 4.9 Although views into the site are limited at ground level, and the tennis court surface is not seen from street level, the site presents an impression of open space when viewed from many angles, and as such the open space itself is considered to provide an important contribution to the character and appearance of the Conservation Area.
- 4.10 The site is a very important element in the outlook from surrounding residential development; its appearance as open space contributes greatly to the levels of amenity currently enjoyed by residents of these surrounding buildings.
- 4.11 Criterion (a) of Policy CD51 does not require that the whole of the site should positively contribute to the Conservation Area, *part* of the site is sufficient for the criterion to lead to an objection. Given that the embankments, and open tennis courts, do provide an important contribution to the character and the appearance of the Conservation Area, it is concluded that there is an objection to these proposals in terms of this criterion.
- 4.12 Turning to (b), the reservoirs and other buildings are in reasonable condition and certainly not beyond refurbishment. However, given that they are now redundant for their built purpose as reservoirs, with such use unlikely to resume, it is considered unreasonable to insist on their refurbishment. It is concluded that criterion (b) does not present a ground for objection in this case.
- 4.13 It is concluded that the demolition of the buildings on this site would be in conflict with criterion (a) of Policy CD51. Conclusions on (c) are drawn later in this report.

#### **Principle of demolishing Water Tower House**

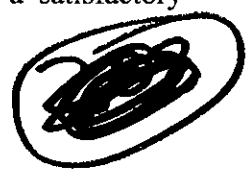
- 4.14 Water Tower House is not a particularly pleasing building to the eye, being of plain and uninteresting 1970s architecture, and is not well related to the architecture of any of the neighbouring buildings.

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4.15 The Conservation Area Proposals Statement describes Water Tower House as "a dreadful building in all townscape respects", and further describes it as "the area's least appealing building". It recommends that the site should be redeveloped with "premises more responsive to the prominence of the site and better related to the character of the area".



4.16 Given the strength of the advice in the CAPS it is not considered that Policy CD51 provides grounds to refuse consent for the demolition of this building, subject to a satisfactory replacement building being approved.



**Open Space**

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

4.18 Policy LR7 of the Unitary Development Plan is:

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

4.19 This Policy is directed at protecting open space that provides a leisure and recreation function, rather than a purely visual one. The tennis courts are being replaced, albeit only half of them in the "open", but there is no loss of space that provides for recreational needs and it is not considered that the proposed redevelopment conflicts with the aims of this Policy.

4.20 Policy CD21, however, is more concerned with the visual amenity that open space can provide, rather than use as such. This Policy is:

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

4.21 Although the tennis courts are constructed upon the roof of a large built structure, when seen from surrounding buildings, they give the strong visual impression of being open space. When viewed from the flats of Kensington Heights, or the upper floors of properties in Aubrey Walk, the site does appear to be generally "open" for most of its area. The tennis courts provide the site with an appearance of being predominantly open space, with the ancillary buildings and Water Tower House located in just the eastern part of the site.

4.22 From public vantage points it is not possible to obtain anything like the breadth or depth of view that can be had from the aforementioned buildings. Nevertheless, there are a number of public points, primarily in Aubrey Walk but also to the South, from where views into part of the site can be taken, and from these points too the site appears as largely open space. This impression is strengthened by the trees and shrubs that line parts of the site and which, from some viewpoints, form the skyline. The site is generally not viewed as a

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



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

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

- 4.24 Therefore, it is considered that Policy CD21 is applicable to this proposal.

4.25 Including the surface of the reservoir structures (i.e, the tennis courts), and the internal access road, approximately 81% of the existing site is, or has the appearance of being, open space. The comparative figure for the proposed development is 67%. However, because the definition of "open space" adopted in the Council's 1992 Survey excludes private gardens, the proposed private gardens for the houses in this application should be excluded from the calculation of the resulting open space in the development. This figure taken into account, the remaining open space on the site would be approximately 8,937 sq.m. or 57%. On this basis, the proposal would result in the loss of approximately 30% of the present open space. As the surface of the site currently makes a positive contribution to the visual character and appearance of the area, it follows that this loss is contrary to the aims of Policy CD21.



4.26 The recently published consultation draft Planning Policy Guidance Note 3, if confirmed, places responsibility upon local authorities to place a priority on the development and redevelopment of urban land, although it also stresses the importance of retaining public open spaces and playing fields as essential amenities within urban areas. The draft Note identifies previously developed land as land where housing development should be maximised, but it excludes land that "was previously developed but where the remains of any structure or activity have blended into the landscape in the process of time...or has subsequently been put to an amenity use and cannot be regarded as requiring development". As described above, the reservoirs and their embankments have blended well into their environment, and provide an important contribution to local amenity, and any proposal for their redevelopment must be considered in this light.

#### **Recreational Provision**

4.27 Policy LR1 of the Unitary Development Plan seeks to resist the loss of playing fields, pitches, and other sports and recreational provision. Tennis courts are not specifically identified in the Policy or in the supporting text, however they clearly must be included as an important element of "other sports and recreational provision". The loss of the existing tennis club, or significant reduction in the size or quality of the facilities it offers, would be contrary to this Policy.

4.28 However, the proposal does not involve any reduction in either the size, range, or quality of the tennis facilities offered on this site. Moreover, the proposed six indoor championship standard courts, available for use at all times of the year whatever the weather, must be seen as a significant enhancement of the tennis facilities on this site. The proposal is not contrary to Policy LR1, and the continuation of the tennis club use of the site is generally supported by the relevant recreational policies of the UDP.

Principle Of Using The Site To Provide Housing

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

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

- 4.32 Policy STRAT 14 is:

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

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

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

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

4.35 The primary use of the existing site is the provision of reservoirs and ancillary facilities, together with residential use at Water Tower House. Thames Water have stated that the introduction of the London Ring Main has rendered these reservoirs redundant, and there is no reason is known why this statement by Thames Water should not be accepted as a true reflection of the status of these reservoirs. As far as is known, there is no demand, and is not likely to be any demand, for the provision of reservoirs on this site. There is not considered to be any reason why, in planning terms, the Council should seek to protect the existing use of the site for reservoirs.



4.36 As discussed previously, the existing recreational use on the site would, under this application, be replaced with enhanced recreational facilities. In the absence of any justification to insist on the site being retained for reservoir use, it is considered that the relevant Unitary Development Plan Policies and government guidance relating to housing are of such significant weight that housing must be seen a preferred use for the site. In other words, if the site is considered to be suitable for anything other than reservoirs with open space, then housing must be the most appropriate use under these Policies and guidance.

4.37 Applying the criteria of Policy H2, it is considered that criterion (a) does not provide cause for concern when considering the principle of housing on this site, given that the site is located firmly in a residential part of the Borough and actually includes housing already. The amount, and form, that housing on the site should take is, however, another matter and this is returned to shortly. Criterion (b) is met, as the role the site plays in providing a community facility (the tennis club) is preserved. Criterion (c) does not present an objection given the redundancy of the existing use of the site.

4.38 It is concluded that there can be no objection to the principle of some residential provision on this site, subject to the other Policies of the Plan. However, the questions of how much housing, where it is to be positioned, and what form it should take, remain to be examined in the context of these other Policies.

#### **The mix of housing**

4.39 Policy H19 is:

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

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

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

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#### Affordable housing

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

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

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

**“TO NEGOTIATE THE PROVISION AND RETENTION OF A SIGNIFICANT PROPORTION OF AFFORDABLE HOUSING ON SITES SUITABLE FOR RESIDENTIAL USE WITH A CAPACITY OF 15 DWELLINGS OR MORE”**

- 4.45 These draft alterations are still at an early stage of evolution and have yet to be consulted on with the public. Consequently, they have relatively little weight as a material consideration and it is the content of Circular 6/98 which is of more significance. Circular 6/98 emphasises the need for the on-site provision of affordable housing as part of new housing developments and proposes a site threshold of 15 dwellings as a trigger for negotiation
- 4.46 Assessment of the applicants’ affordable housing proposals can be divided into four main areas; location on site, the amount proposed, the suitability of the housing, and finally the deliverability (arrangements for implementation) of the proposed housing.
- 4.47 The provision of seventeen units in the Aubrey Walk block is suitable in that this block is a free standing block with its own direct access from Aubrey Walk. They are reasonably sized flats that satisfy housing standards. Limited dedicated amenity space is provided at the front adjacent to Aubrey Walk, accessed from the main entrance to the block which is also off Aubrey Walk. The Council’s Housing Officers have confirmed that this accommodation is suitable for them, and would provide for a known local need. If the affordable housing provider wanted to amend this mix then flexibility exists to achieve that providing the external appearance of the building would not be harmed.
- 4.48 The UDP Housing Chapter (para. 5.10) seeks to maintain one third of the Borough’s housing stock as affordable. This is a reasonable aim but is not expressed as a rigid quota, and must be tested against the circumstances of individual sites. In this instance, the proposed affordable housing is provided in a separate block in Aubrey Walk and

allows easy access from the street. To increase the proportion of affordable housing beyond that which could be provided within the Aubrey Walk block as presently designed, would result in either (a) a larger Aubrey Walk block, which would be unlikely to be acceptable on townscape grounds, or (b) placing some affordable units within the Campden Hill Road block with possible management problems to be overcome in consequence.

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

**Density**

- 4.55 The Unitary Development Plan points out that if the housing capacity figure for the Royal Borough, identified in Regional Guidance and sought through STRAT 14 of the Unitary Development Plan, is to be met, then it will be necessary to place not only a high priority on allocating all available land for residential use, but also to make the best use of that land. It does stress, however, that a balance has to be struck between making the best use of



residential land, ensuring new housing is of a good standard, and protecting the character and environment of surrounding areas. The Unitary Development Plan defines "very high density" as being more than 350 hrh, and in Policies H10, and H11 it seeks to resist housing designed to higher densities except where it (inter alia) enables the provision of affordable housing or where it is necessary for townscape reasons.

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- 4.56 Regional Planning Guidance, in the form of RPG3, advises that in order to pursue the overall aim of sustainable development through concentrating development in urban areas, local plan policies should permit flexibility when dealing with the issue of density.
- 4.57 The recently issued Consultation Draft of the new Planning Policy Guidance Note 3 places further emphasis upon achieving higher densities on development sites. The Consultation Draft actually recommends that authorities should set minimum densities for new housing development, and that low densities at a rate of 20-25 dwellings per hectare should be "avoided".
- 4.58 The proposed development would provide 62 dwellings on this 1.56ha site, or about 40 dwellings per hectare. On the housing part of the application site, this produces about double that figure per hectare.
- 4.59 Excluding the tennis club from the housing site area for the purpose of the density calculation, a density of approximately 337 hrh would result from these proposals, which is at the highest end of that normally acceptable under Unitary Development Plan Policies. It is noted that there are other residential blocks in the area with much higher densities, such as Kensington Heights and Airlie Gardens. However, these are not the predominant form within the area, much of it being much lower density, in particular along Aubrey Walk.
- 4.60 However, "density" is not intended to be assessed solely in terms of comparative figures. It is a tool, a measure that can help in assessing the overall form of development on a site. If the density on the site is indeed on the high side, then it can be expected that other problems in terms of layout, and bulk, might also manifest themselves.

#### General Arrangement/Form/scale

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

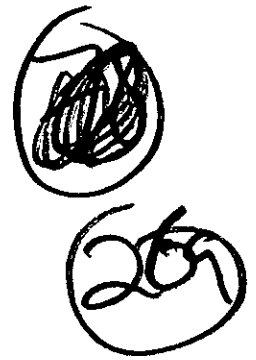
**"TO SEEK THAT ALL DEVELOPMENT IN ANY PART OF THE BOROUGH IS TO A HIGH STANDARD OF DESIGN AND IS SENSITIVE TO AND COMPATIBLE WITH THE SCALE, HEIGHT, BULK AND CHARACTER OF THE SURROUNDINGS"**

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

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

- (a) **CHARACTER, SCALE AND PATTERN;**
- (b) **BULK AND HEIGHT;**
- (c) **PROPORTION AND RHYTHM;**

- (d) ROOFSCAPE;
  - (e) MATERIALS;
  - (f) LANDSCAPING AND BOUNDARY TREATMENT;
- OF SURROUNDING DEVELOPMENT.



General

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

Campden Hill Road block

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

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

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

4.67 Important views of the application site, and the primary points from where the impression of scale of building can be read from the public domain, are to be had. The proposed building to replace Water Tower House will feature strongly in these views and will be most visible when approached from the south along Campden Hill Road occupying as it does a prominent position close to the top of the hill. There is currently an abrupt change in heights between Kensington Heights and Water Tower House with a drop from seven to four continuous storeys producing a skyline which relates badly in terms of scale and roofline to neighbouring modern properties along Campden Hill Road (although it is less discordant along Aubrey walk). The proposed replacement block attempts a transition in heights between Kensington Heights and 25 Campden Hill Gardens, competing in height with Kensington Heights to the north whilst stepping down to the more traditional scale of it's neighbour on 25 Campden Hill Gardens.

4.68 It is considered that any replacement building for Water Tower House should provide an attractive focal point in views along Campden Hill Road, and make a positive contribution to the character of the Conservation Area. This is the reason that the CAPS supports the demolition of the existing building.

4.69 In views from the North up Campden Hill Road the new building will be more visible than the existing, which is largely hidden by 25 Campden Hill Gardens. The new building would feature much larger in views along Campden Hill Road, Aubrey Walk, and Campden Hill Gardens, and will also feature in views from nearby properties. Looking North out of Campden Hill Gardens into Aubrey Walk, the view will be terminated more emphatically than now, with a building more appropriately articulated than that existing. However, this view from Campden Hill Gardens notwithstanding, it is considered that from other aspects the proposed building will not achieve the positive contribution to the area that is sought. Reference is made later in this report to the impact upon the setting of St. George's church.

4.70 The problem is not so much in its detailed treatment, or in its footprint, but lies in the starting point in attempting a "step down" to the North from Kensington Heights. Firstly, this "step down" is limited in its extent by only dropping to a compatible height with no.25 Campden Hill Gardens very close to the northern end of the building. Secondly, and crucially, it is considered that the starting point itself is misconceived; Kensington Heights is a very large building, larger than most buildings locally and possibly the most dominant building in Campden Hill Road. It is a building that itself is out of scale and proportion to surrounding development, an effect accentuated by its position on top of the hill. It is considered that this does not provide a sound basis for shaping further nearby development such as the replacement for Water Tower House; the solution must be to move away from its scale altogether, towards the scale of no.25 Campden Hill Road, rather than attempt to emulate its height and scale even in part.

4.71 It is concluded that the bulk and scale of this development is not compatible with no.25 Campden Hill Gardens, and is generally out of character with most of its surroundings despite being more compatible with Kensington Court and Melbourne Court. Moreover, the bulk of the building is such that it would not provide the sought after enhancement to the streetscape of Campden Hill Road. As such, the proposed building would not accord with the Conservation Area Proposals Statement, and would not satisfy the requirements of Unitary Development Plan Policy CD25 or CD53.

4.72 As a result of negotiations with Officers the design of the Campden Hill Road block has been altered considerably by the applicants. Concern was raised that the block as originally proposed appeared to be too massive, and the applicants amended the design approach with the aim of reducing the apparent bulk of the building whilst improving its design quality. It is considered that the revised design succeeds in significantly improving the design quality of the building, but despite this it does not provide the solution to the fundamental matter of its bulk.

#### Aubrey Walk block

4.73 The Aubrey Walk block has been designed with the aim of improving the urban form of Aubrey Walk by strengthening the sense of enclosure. Although the street is generally well enclosed along its western half there are large gaps in the built form in the eastern section, either side of block no.3-7. Whilst there are mature trees in these gaps which are of townscape value, the spaces around them offer large glimpses of sky and views of the tennis club boundary which undermine the sense of enclosure and do not make a positive contribution to the character of the street. The CAPS (p.50) identifies these spaces as never

having been properly considered in design terms, and notes that landscape improvements with the aim of enhancing the sense of enclosure throughout Aubrey Walk would be welcomed. The new buildings would provide a definite and well articulated edge for this part of the street whilst incorporating sufficient threshold space to incorporate some landscaping. In their design detail, they are relatively low key and domestic and this is considered to be appropriate for any new buildings in Aubrey Walk.



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

#### The "Square"

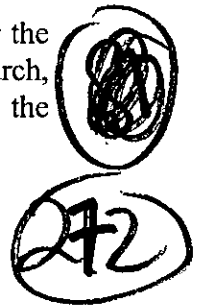
- 4.75 The garden square form, in theory, should maintain a well defined sense of enclosed public urban space whilst simultaneously providing views into an attractively landscaped private garden square. This is the effect that the applicants have sought to achieve in their scheme, and since the application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

#### Setting of nearby Listed buildings

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

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

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



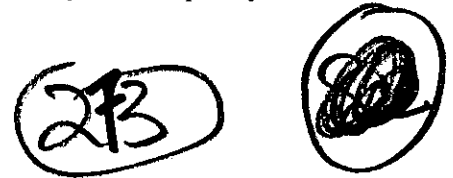
- 4.82 Thorpe Lodge and St. George's church are presently set against planted embankments opposite them, and in each case these embankments would be replaced by buildings and much reduced planting. In the case of St. George's Church, this building would have its townscape prominence diminished and would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

#### **Design - External Detail**

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

success of a more modern design would hinge to a large extent upon the quality of the selected facing materials.

A "gated community"



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

Traffic Generation



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

- 4.92 Policy TR39 is:

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

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

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

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

pedestrian activity around the year, with activity at its lowest in the winter or on inclement days in the summer. It is considered that the enhanced recreational facilities in the proposal, in particular the six indoor tennis courts, would result in an altered pattern of use, where even in the periods presently quietest there would be intensified activity associated with the site.

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4.102 The existing, relatively “low-key” use of the site has existed for many years, nearby residents aware of the club, and existing in close proximity to it, from the moment they moved in. Although there have been complaints relating to parking problems, the existing club appears to exist quite harmoniously with its immediate surroundings, and it is considered that one of the most important ingredients in this balance is the fact that, very often, the club generates little or no vehicular activity at all. This would no longer be the case, as the peaks and troughs in activity would be largely “evened out” by the enhanced indoor facilities. It is concluded that the alteration of the existing balance would be to the detriment of local residential amenity.

#### **Parking Provision and Means of Access**

4.103 The Unitary Development Plan recommends, in the “Planning Standards” Chapter, that purpose built flats of up to 5 habitable rooms should be provided with a minimum of one space per dwelling unit, with a minimum of 1.5 spaces per unit of 5 or more habitable rooms. The basement parking provision of 92 spaces allows for 2 spaces for each of the houses in the form of double garages with internal access to the house, and one space per flat.

4.104 This parking provision complies with the relevant Unitary Development Plan standards.

4.105 The Unitary Development Plan allows for a lower provision of spaces for affordable housing, with 0.66 spaces per unit being specified but even lower provisions down to 50% (0.5 spaces per unit) may sometimes be considered acceptable. It is considered that the number of spaces allocated to the affordable housing is acceptable as proposed at 1 for 1, however a lower provision of 50% would be accepted if it helped facilitate the affordable housing part of the scheme.

4.106 It is proposed to close the existing accesses to the site, and replace them with a single access on to Aubrey Walk approximately 18m to the West of Campden Hill Gardens. It is considered that the new access in this position would facilitate improved geometric and visibility standards, and the proposed access is considered to be satisfactory in these terms.

4.107 Access to the site is not possible directly from Campden Hill Road. Although such access might be preferable in many ways, including in terms of the amenity of Aubrey Walk, it is not part of the proposal and preference for another means of access is not a reason to refuse the proposed access point which, in itself, is considered to be satisfactory.

4.108 Internal refuse facilities are provided within the underground car park, accessed from the ramp from Aubrey Walk. These elements appear satisfactory, although they have not been worked through in detail and would anyway be reserved by Condition for submission of further details for analysis and approval.



## Disabled Access



4.109 Policy H28 of the Unitary Development Plan is:

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

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

## Noise, Environmental and sustainable issues

4.115 Policy CD34 is:

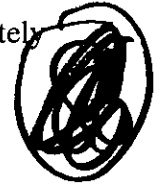
**“TO RESIST PROPOSALS WHERE THE NOISE GENERATED WOULD CAUSE SIGNIFICANT DISTURBANCE TO SURROUNDING PROPERTIES”**

- 4.116 The existing tennis club has twelve outdoor courts, and the proposed club only six plus a practice court. Spectator stands are not provided, and numbers could anyway be controlled by Condition in the event of planning permission being granted. It is not considered that the proposed tennis courts would be likely to result in any greater noise disturbance than that which could result from intensive use of the present twelve courts, probably less.
- 4.117 The occupants of the proposed houses and flats on the site would clearly generate more activity and noise than the present site with its relatively small office and storage buildings, and one block of flats. However, given that this is anyway a residential area and, therefore, a compatible land use. Although the density of development is very high, it is not considered that the development would be likely to result in noise levels that would materially reduce the levels of amenity presently enjoyed in the locality.

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

4.119 Policy CD35 of the Unitary Development Plan is:

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

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

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

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

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

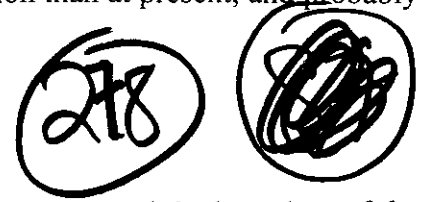
4.124 In the case of this application, extensive study has been carried out into traffic generation, and no noise or pollution generating uses are proposed for the site. It may be that the proposals would have a significant visual impact upon the area, as argued elsewhere in this report, but there the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

### **Floodlighting**

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

4.126 It is proposed that four of the proposed courts would be floodlit, using 6.7m columns mounting high performance asymmetric floodlights. It is anticipated that, in addition to having shorter columns, the proposed lights will afford greater control of lightspill and glare. Furthermore, there is now the opportunity to impose Conditions to restrict the hours of use of the lights. It is considered that Conditions to control the light spread, and restrict the hours of operation, would enable greater control over the floodlighting than exists at present and result in residential amenity being satisfactorily safeguarded.

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



**Trees and Landscaping**

4.128 There are a number of existing mature and semi-mature trees around the boundary of the site, with many of these on the North (Aubrey Walk) and South sides of the site providing a highly important contribution to the visual amenity of this part of the Conservation Area. The applicants have provided a full survey of the trees on the site, and lengthy discussions have taken place between the applicants' consultants and the Council's Arboriculturist as to the likely impact upon these and nearby trees.

4.129 The most important trees are considered to be a mature ash on Aubrey Walk immediately to the East of the tennis club, a group of three sycamores immediately to the West of the existing main site access, three Turkish hazel trees also on Aubrey Walk, six ginkgo trees and a birch tree on Campden Hill Road. The southern boundary to the site contains sixteen large sycamore trees, and the western boundary (to Aubrey House) a variety of trees and shrubs including sycamore, oak, ash, and hawthorn.

4.130 Impact upon Aubrey Walk - the ash, sycamore, and hazel trees of Aubrey Walk are all to be retained, and protected throughout construction. The Council's Arboriculturist is satisfied that the proposed protection measures will safeguard these trees. As the three hazel trees are outside the site boundary, a planning Obligation under S.106 would be required to safeguard them.

4.131 A block of self-seeded vegetation does exist to the North of the pump house; these are not of any individual value but collectively help screen views in to the site. This area would be lost in the proposed development, but new planting is proposed along Aubrey Walk to compensate for their loss.

4.132 Impact upon Campden Hill Road - The six ginkgos and one birch along the boundary with Campden Hill Road are to be retained. Protecting them on-site would be difficult during works, and it is proposed that these are to be removed from site and replaced during landscaping works.

4.133 A large Tree of Heaven adjacent to Water Tower House would also be lost, but its proximity to Water Tower House is such that adequate protection would be most unlikely to be achieved during the demolition of the building. Consent for the removal of this tree was granted on 3rd March 1999.

4.134 Along the eastern boundary adjacent to Kensington Heights there is a strip of existing trees and shrubs on a shallow embankment. This strip of land is not in the same ownership as the application site and all these trees are retained. The tree protection methods are considered to be satisfactory.

4.135 Southern boundary - The eastern part of the southern boundary is where gardens to the southern terrace of houses are proposed, and the development here would necessitate the loss of six sycamore trees. However, the Council's Arboriculturist concludes that their loss will not be significant in visual amenity terms given the replacement landscaping. Concern is raised at the possible impact of excavation to form the new garden levels in this area, which should be set aside by Condition for further clarification.