

8<sup>th</sup> May 1999

Ref: RMS/StJ/CAM/99093

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

FAO : D Taylor

**FAX & POST**

Dear Sir

**Application by St James Homes Ltd.  
Campden Hill Reservoirs Site**

Thank you for your letter of the 23<sup>rd</sup> April 1999 concerning the issue of the entrance gates to the proposed development.

I have taken advice from my clients on the point and can respond as follows;

1. The intention is that there would be two pedestrian gates into the square and a pedestrian entrance to one side of the vehicular access. During the hours of daylight it is proposed that these gates would be left open. This would allow free access into any of the open areas of the site by members of the public. However, during the hours of darkness it is proposed that for security reasons the gates would be locked. Obviously residents of the development would have keys to the pedestrian gates.
2. The gates are regarded as essential at the vehicular access since it is the concern of both my clients and your Council that unauthorised parking does not occur within the site. The security provided by the gates will ensure that only vehicles with a right to enter the site gain access. This will assist in the aim of keeping the square a largely vehicle free environment.
3. The vehicular gates will have an entry phone which is linked to the 24 hour management presence on site.
4. Service vehicles will be able to gain access by using the entry phone system.

577

~~80~~

5. The system will be set up so that emergency vehicles can override the entry phone and gain uninterrupted access to the site.

I trust this clarifies the proposed arrangements, however, if you have any queries please give me a call.

Yours faithfully

Printed from : PLNDMT / Inbasket / Opened 12.May.1999 15:15

Sent by : Parker, LeVerne 12.May.1999 15:08 .

Subject : Campden Hill Reservoir

578

②

-----

I have had a look at circular 6/98 and thinking about the affordable housing reason for refusal. Based on para 24 of the circular I have come up with the following;

"The site is suitable for the inclusion of affordable housing which has not been secured by an appropriate planning obligation as part of the proposed development."

The evidence would therefore need to deal with why the affordable housing needs to be on site and how many units are required, the H A could give evidence that it is achievable and there would be legal submissions about the adequacy of the s106 - that's the plan anyway!!

LeVerne

Telephone Conversation 12/5/99

Bob Sellwood/DT

(579)

(8)

- ① Confirmed gake mechanisms would be totally hidden underneath
- ② Confirmed that nos 3, 5, 7 Avicey Walk contains three, 3 bed, flats. It is a Thames Water building.
- ③ Questioned Borough Solicitor's letter — are we going to refuse it? If so, on what grounds?

Deven Taylor - Planning

3rd floor

**LEGAL SERVICES**

THE TOWN HALL, HORNTON STREET, LONDON W8 7NX

DIRECTOR OF LEGAL SERVICES

A.G.PHILLIPS LLB, SOLICITOR

Mr T Blaney  
Lawrence Graham  
DX 39 London/Chancery

TELEPHONE 0171 361-2617  
FACSIMILE 0171-361-3488  
DX 84015 Kensington High Street 2  
INTERNET tcljz@rbkc.gov.uk

also by fax 0171 379 6854

13 May, 1999

THE ROYAL  
BOROUGH OF



**KENSINGTON  
AND CHELSEA**

My reference:

JZ/10019056

Your reference:

TDB/S3402/1

Please ask for:

John Zukowski

Dear Mr Blaney,

**Campden Hill Reservoir - Proposed S106 Agreement**

Thank you for your faxed letter of today with your draft agreement.

I have considered at length your efforts to introduce a "sequential" approach into the draft but I have to conclude that this approach is unworkable insofar as the Council's objectives are concerned and in any event outside the scope of Section 106. For those reasons I cannot see that there is anything to be achieved in holding a meeting to discuss the draft document.

Should you wish, however, to meet to discuss matters on the basis of the draft agreement I sent to you I will endeavour to arrange a meeting as soon as possible.

With regard to the Planning Services Committee decision on 552 King's Road to which you refer in your letter, I am unable to let you have a copy of the agreement as it is yet to be concluded. The "minded to" decision in that case is slightly different than as set out in your second paragraph. The relevant wording is as follows:-

"to include

- (a) conditions that provide that not more than fifty per cent (50%) of the residential units on the site shall be occupied until the land to provide all of the affordable housing has been disposed of to a registered social landlord"

This decision reflected an extant planning permission and a question of viability, circumstances which, as I understand it, do not arise in your client's case.

Yours sincerely,

John Zukowski  
for Director of Legal Services

13/5/99

581

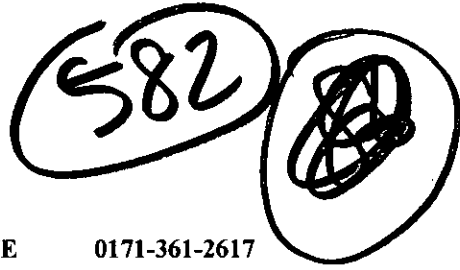


Telephoned Bob  
Sellwood - outlined  
Reasons for Refusal

①, ②, ⑤ and ⑥

**LEGAL SERVICES**

THE TOWN HALL, HORNTON STREET, LONDON W8 7NX



DIRECTOR OF LEGAL SERVICES      A.G.PHILLIPS LLB, SOLICITOR

Mr T Blaney  
Lawrence Graham  
**DX 39 London/Chancery**

TELEPHONE      0171-361-2617  
FACSIMILE      0171-361-3488  
DX      84015 Kensington High Street 2  
INTERNET      tcljz@rbkc.gov.uk

also by fax 0171 379 6854

17 May, 1999

My reference:  
JZ/10019056

Your reference:  
TDB/S3402/1

Please ask for:  
John Zukowski

Dear Mr Blaney,

**Campden Hill Reservoir - Proposed S106 Agreement**

I refer to your faxed letter of today which I received at 1 pm, which I note makes no reference to the lengthy telephone conversation between us this morning on all of the points mentioned in your letter.

I will now confirm what I said to you during that conversation:-

1. I did not cancel any meeting because no meeting had been arranged. Having spoken to my client, the client took the decision not to take up the offer of a meeting.
2. The Council's objective is, as I understand it, the provision of affordable housing on-site. The essence of this is that the housing has to meet the criteria of a Registered Social Landlord.
3. I have pointed out to you examples of why I consider the draft falls outside Section 106. The fundamental point is that the sequential test is a method by which the Council has to reach a decision about affordable housing provision in order to produce certainty within the planning obligation.
4. As I have already advised you, on grounds of confidentiality I cannot release details of draft planning agreements. This is no more than you would expect with regard to your client's dealings with the Council.

I confirm that neither my client nor myself see any purpose to be served in another lengthy meeting unless your client's position has changed to the extent referred to above.

Yours sincerely,

John Zukowski  
for Director of Legal Services

cc Derek Taylor, Planning Services - Central



LAWRENCE GRAHAM

~~81~~  
583

J Zukowski Esq  
for Director of Legal Services  
The Royal Borough of Kensington and Chelsea  
The Town Hall  
Hornton Street  
London W8 7NX  
SENT BY FAX AND POST:- 361 3488

Our Ref: JZ/10018473

Your Ref: TDB

17 May 1999

Dear Mr Zukowski

Campden Hill Reservoir

Thank you for your letter of 13<sup>th</sup> May. I understand that the meeting to discuss affordable housing arranged for today has been cancelled at your behest. Can you please specify why the draft Agreement does not meet the Council's objectives. In addition, can you please state why you consider that the draft Agreement is outside the scope of the Section 106. We disagree with your view that the meeting will not be of value, particularly as we consider that the draft meets the Council's objectives.

I await hearing from you as soon as possible regarding the above points but in the meantime, would be grateful if you could confirm that the meeting can now be rearranged. With regard to 552 King's Road, I would be grateful if you could let me have a copy of the latest draft of the Agreement.

Yours sincerely

TREVOR BLANEY

190 Strand London WC2R 1JN Tel: 0171-379 0000 Fax: 0171-379 6854 Telex: 22673 DX: 39 London Chancery Lane WC2  
and

61 St Mary Axe London EC3A 8JN Tel: 0171-621 1141 Fax: 0171-480 5156 Telex: 887133 DX: 1072 London City CDE

E-mail: [info@lawgram.com](mailto:info@lawgram.com) Internet: <http://www.lawgram.com>

ASSOCIATED WITH FIRMS IN AMSTERDAM BEIRUT BRUSSELS HAMBURG HONG KONG MADRID MILAN NAPLES NEW YORK PARIS ROME STOCKHOLM VARNA AND MARIUPOL  
963174.01 MEMBER OF ABLE (ASSOCIATED BUSINESS LAWYERS IN EUROPE)

SOLICITORS AUTHORISED BY THE LAW SOCIETY TO CONDUCT INVESTMENT BUSINESS. A LIST OF THE PARTNERS NAMES IS OPEN TO INSPECTION AT THE ABOVE ADDRESS





# LAWRENCE GRAHAM

~~584~~  
584

J Zukowski Esq  
The Royal Borough of  
Kensington & Chelsea  
DX: 84015  
**KENSINGTON HIGH STREET 2**

Our Ref: TDB/S3402/1

13 May 1999

By DX and Fax: 0171-361-3488

Dear Mr Zukowski

## **Campden Hill Reservoir - Section 106 Agreement**

Please find enclosed a copy of the draft Section 106 Agreement in respect of the above site, together with a summary of its main provisions.

I am aware that at the Committee meeting on the 29<sup>th</sup> April 1999 the Committee were minded to grant permission for a site at 552 Kings Road, Chelsea. I understand that this was to be subject to a Section 106 Agreement to provide "a gap subsidy fund" calculated on the basis of £47,739.00 per off site affordable dwelling and that the Developer would assist the Council in the delivery of affordable housing. I should be grateful if you would kindly send to me a copy of this Agreement.

I understand that Derek Taylor has been in discussions with Bob Sellwood regarding a meeting to discuss the Section 106 Agreement on the morning of Monday, 17<sup>th</sup> May. Please could you kindly confirm if this meeting is to go ahead. In the meantime if you have any questions please do not hesitate to telephone me.

Yours sincerely

*T. Lewis*

**TREVOR BLANEY**

cc - M Simms Esq, St James Homes Limited - (by fax: 0181-755-3355)  
P Hull Esq, St James Homes Limited - (by fax: 0181-755-3355)  
B Sellwood Esq (by fax: 01279 870 790)  
Edward Lewis Esq

190 Strand London WC2R 1JN Tel: 0171-379 0000 Fax: 0171-379 6854 Telex: 22673 DX: 39 London Chancery Lane WC2  
and

61 St Mary Axe London EC3A 8JN Tel: 0171-621 1141 Fax: 0171-480 5156 Telex: 887133 DX: 1072 London City CDE

E-mail: [info@lawgram.com](mailto:info@lawgram.com) Internet: <http://www.lawgram.com>

Derek Taylor Esq.  
Planning + Conservation  
The Town Hall  
Horton Street  
W8 7NX

15 Campden Hill Square

London

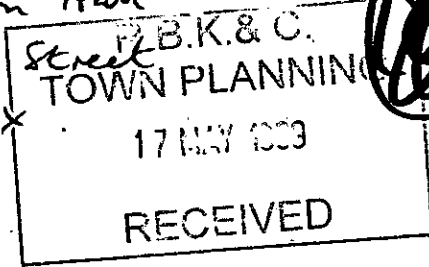
W8 7JY

0171-727-4348

Fax 0171-221-2830

① PC + LB

585 DT  
01  
18-5



BY FAX + POST.

17th May '99

Dear Mr. Taylor,

Thames Water Reservoir Site

Further to my phone call this morning I enclose copies of letters of 30th April and 3rd May addressed to me by Colin Buchanan and Partners.

Our conclusion from these letters is that the traffic study analysis prepared by TPK for the Developers is seriously flawed and misleading and the development in its proposed form would lead to an unacceptable increase in traffic in Ambrey Walk and nearby streets, with consequent dangers, congestion and difficulty in parking.

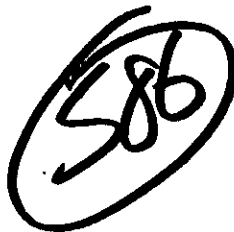
Yours sincerely,

Hannah Watson.



**COLIN  
BUCHANAN  
AND PARTNERS**

*Planning, Transport, Economics,  
Software, Market Research*



Newcombe House,  
45 Notting Hill Gate, London W11 3PB  
Tel: 0171 309 7000 Fax: 0171 309 0906  
E-Mail [cbp@cbuchanan.co.uk](mailto:cbp@cbuchanan.co.uk)  
Direct dial number

**Hamish Watson Esq.,  
15 Campden Hill Square,  
London W8 7JY**

**3rd May 1999**

**Our ref: 42821**

**Dear Mr Watson,**

**Thames Water Reservoir Site - Traffic Impact**

Following our previous letter and our subsequent conversations I am now writing to clarify the points you mentioned.

Firstly, it is our view that you would be justified in requesting RBKC to seek a thorough review of the TPK traffic study in the light of the points mentioned in our letter. We think it should be based on more comprehensive updated traffic data, and cover the additional aspects that we refer to.

Secondly, the issue of the potential for access to Campden Hill Road could be further explored. Mr French's letter to Thames Water (23.1.98) urges the developers to overcome the legal issues associated with the use of the existing surface access way to the rear of Kensington Heights. I understand that RBKC's traffic engineers had reservations about using the existing access to the Thames Water site (which is immediately adjacent) because of its proximity. There were also some concerns about accidents and visibility, which I concur with, and improving visibility might require removing some on-street parking spaces. However in the light of Mr French's letter, and the comments made to the scheme architects (reported in the note of the meeting with Derek Taylor on 19th May 1998) I would suggest that, if there is a way of

**Directors**

Milesius Buchanan MA MSc MICE MCIT  
Mike Mognidge MSc MICE MCIT  
Nicholas Pursey MSc MIHT MCIT  
Christopher Pyatt MA MICE MCIT  
Malcolm Roberts MSc CEng MICE  
Andreas Markides MSc CEng MICE FCIT FIHT  
Roland Niblett MA MSc FRSA

**Consultants**

Sir Colin Buchanan CIRE DCL DS FRTH MICE RIBA  
William Thomson RIBA FRTP  
Neil Parkyn MA Dip Arch Dip Tp(Dist) RIBA MRTPI

**Associate Directors**

Gordon Urquhart MA PhD  
Rob Goldup MSc MIHT MCIT  
Haydn Davies BSc MTD MIHT MCIT  
Rod Black BSc CEng MICE  
Atholl Noon BComm MSc MRTPI MCIT  
Mark Draper BEng CEng MICE FIHT  
Kevin McGovern BA Dip Tp(Dist) MRTPI AMTS  
Des Dunlop BA MRTPI

**Associates**

Katherine Clark MCIT  
Steve Robinson BEng MIHT  
Paul Comerford BSc ARICS  
Philip Yates BSc CEng MICE MIHT  
Iain MacDonald BEng MCIT MIHT  
Bill Cotton BA(Hons) PG Dip MRTPI  
Keith Firth BEng MIHT  
Company Accountant  
Graeme Dykes BSc ACA

**Colin Buchanan and Partners Limited**

Registered in London No. 1292315  
Registered Office: Newcombe House,  
45 Notting Hill Gate, London W11 3PB

Also at:  
Edinburgh  
Bristol  
Manchester  
Dublin



COLIN  
BUCHANAN  
AND PARTNERS



overcoming the legal obstacles, a joint access with Kensington Heights from Campden Hill Road should be examined since it would avoid the impacts on Aubrey Walk of the significant increases in traffic implied by the current access proposal.

Yours sincerely

N. Bursey  
Director



Hamish Watson Esq.,  
15 Campden Hill Square  
London  
W8 7JY

*Planning, Transport, Economics,  
Software, Market Research*

Newcombe House,  
45 Notting Hill Gate, London W11 3PB  
Tel: 0171 309 7000 Fax: 0171 309 0906  
E-Mail [cbp@cbuchanan.co.uk](mailto:cbp@cbuchanan.co.uk)  
Direct dial number.

30th April 1999

Our ref: 42821/NCB

Dear Mr Watson,

### **Thames Water Reservoir Site - Traffic Impact**

Thank you for instructing us on this matter. Following our meeting last week we have as agreed reviewed the TPK traffic analysis and this letter is to give you our initial comments on it. We have not checked every assertion or fact in the document: for example where UDP standards are quoted we assume these are correct. However we have looked at some of the more important sources behind the analysis.

The following comments refer to the revised version of the study, dated 16th March 1999, and are intended to indicate where we think the TPK traffic analysis may be questioned or where the case is weak. In the following paragraphs I set out my comments on each part of the TIA, and finally I summarise our overall view.

#### *The Revised TIA (16.3.99)*

The revised TIA differs from the initial version in that it:

- refers to a slightly different development content (19 houses, 43 flats, 12 tennis courts)
- uses higher base traffic levels
- includes revised on-street parking arrangements
- uses different assumptions on trip distribution

#### *Existing Transport Conditions (section 2)*

This section sets out the description of current conditions. In the light of the changes made because the original version was based on observed July flows, during the summer period, it is an important aspect of the analysis.

#### Directors

Malcolm Buchanan MA MSc MICE MCIT  
Mike Mogridge MSc MICE MCIT  
Nicholas Burrey MSc MIHT MCIT  
Christopher Pyatt MA MICE MCIT  
Malcolm Roberts MSc CEng MICE  
Andreas Markides MSc CEng MICE RLIT FIHT  
Roland Niblett MA MSc FRSA

#### Consultants

Sr Colin Buchanan CBE DCL DSc FRTP MICE RIBA  
William Thomson RIBA FRTP  
Neil Parkyn MA Dip Arch Dip TP(Dus) RIBA MRTP

#### Associate Directors

Gordon Urquhart MA PhD  
Rob Goldup MSc MIHT MCIT  
Haydn Davies BSc MTD MIHT MCIT  
Rod Black BSc CEng MICE  
Atholl Noon BCom MSc MRTP MCIT  
Mark Draper BEng CEng MICE FIHT  
Kevin McGovern BA Dip TP(Dus) MRTP AMTS  
Des Dunlop BA MRTP

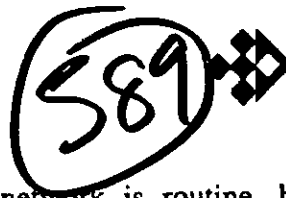
#### Associates

Katherine Clark MCIT  
Steve Robinson BEng MIHT  
Paul Comerford BSc ARCS  
Philip Yates BSc CEng MICE MIHT  
Ian MacDonald BEng MCIT MIHT  
Bill Cotton BA(Hons) PG Dip MRTP  
Keith Firth BEng MIHT  
Company Accountant  
Graeme Dykes BSc ACA

Colin Buchanan and Partners Limited  
Registered in London No. 1292315  
Registered Office: Newcombe House,  
45 Notting Hill Gate, London W11 3PB

Also at:  
Edinburgh  
Bristol  
Manchester  
Dublin

2



COLIN  
BUCHANAN  
AND PARTNERS



The description of the local highway network is routine, but the assertion that Campden Hill Road is "generally wide enough" for two vehicles to pass, even with parking on both sides, presents a view which is contradicted later by the reasons given for observed queuing on Aubrey Walk, namely that Campden Hill Road becomes obstructed in this vicinity. No mention is made of the way in which Aubrey Walk / Aubrey Road may be used as a rat-run by Campden Hill Road traffic heading north and then west (nearly 60% of Campden Hill Road northbound traffic in the PM peak), to bypass queues at the Campden Hill Road / Notting Hill Gate signals. This is significant in view of the way in which the traffic flows were adjusted to represent "September" levels.

The accident data (2.4) is reported as showing that 2 out of 10 accidents at the Campden Hill Road/Notting Hill Gate junction involved Campden Hill Road traffic. It is not unusual for accidents at junctions to be associated with turning traffic, but here the situation may be exacerbated by the fact that the signal cycle at Campden Hill Road / Notting Hill Gate provides no protected crossing for pedestrians at the top of Campden Hill Road at all, and there is no point in the cycle when there is no traffic moving up or down Campden Hill Road. There is a protected crossing of Notting Hill Gate, which TPK refer to.

Most of the other accident data refers to accidents on or near Campden Hill Road, and these are claimed to show no particular pattern. This seems to ignore the small cluster of five accidents at Aubrey Walk/ Campden Hill Road / Kensington Place, which includes one serious accident. This is relevant to the proposals, which will add to turning traffic at this junction. Further analysis of these accidents may be useful.

The comments on facilities for pedestrians (2.5) omit to mention the lack of a protected crossing across Campden Hill Road at Notting Hill Gate or elsewhere southwards to Aubrey Walk - which would be on the route which residents of the development would need to take to access the public transport facilities referred to. Nor is there any mention of the presence of Holland Park School adjacent to the site, which might have been expected even though there are no particular current issues arising from it.

The comments on public transport (2.6) are unremarkable: most locations in central London are near public transport and this site is no exception. In terms of its distance from Notting Hill Gate station and the adjacent bus stops, it is on the limit of the 400m crow-fly distance that LT Buses use as a route planning standard. The comment about Paddington being within walking distance is derisory.

The section on existing traffic flows (2.7) is important, and there are several aspects to it. This section sets out the overall scope of the traffic analysis - morning and evening peak hours; two junctions: Campden Hill Road / Notting Hill Gate and Aubrey Walk / Campden Hill Road / Kensington Place. This scope will have been agreed with RBKC and is fairly typical for such proposals. Nevertheless bearing in mind that we are dealing with a residential development it would have been advisable to consider traffic impact during the rest of the day as well e.g afternoon school hours.

3

~~590~~  
590

The original traffic data for the two junctions was collected on one day, Thursday 17th July 1997. In the revised version of the TIA the July 97 flows were amended to reflect the results of an automatic traffic count (supplied by RBKC) on Aubrey Walk on Monday 29th September 1997. The purpose of this was to check for seasonal factors, including the familiar easing of peak traffic pressures in the summer when schools are approaching the end of their year and employees take leave. TPK say that this count showed a higher westbound flow on Aubrey Walk in the PM peak than had been found in the July counts (104 vehicles compared with 67, an increase of 55%), and this flow was therefore amended accordingly, the origins of this "additional" traffic being assumed to be pro-rata to the existing distribution from Kensington Place, Campden Hill Road (north) and Campden Hill Road (south). No other flows used in the first version of the TIA have been adjusted, either because the ATC agreed with earlier observations (Aubrey Walk) or because no further counts were done (Campden Hill Road, Notting Hill Gate).

No explanation is offered as to why it would be justified to amend flows on Aubrey Walk westbound but no other flows. One potential explanation for the extra Aubrey Walk traffic is that flows on Campden Hill Road, and possibly Notting Hill Gate, in September peaks are in fact significantly higher than in July, and the additional northbound queuing created at the Campden Hill Road / Notting Hill Gate signals provokes more people into using Aubrey Walk (westbound) as a rat-run to avoid delay. However the study is silent on the issue of traffic variation on Campden Hill Road, which is perhaps the main issue.

Our conclusion from this is that a full repeat of the July counts should have been undertaken, not a selective ATC on Aubrey Walk alone. The consequence appears to be that the "existing" traffic levels may have been under-estimated based on the July counts. The comments on queuing at Campden Hill Road / Notting Hill Gate would be consistent with this: according to TPK, the Campden Hill Road approach is nearly at capacity in the evening peak; our observation - admittedly very short - is that it can be over capacity even at off-peak times.

*Current and potential use of the site*

The current use of the site is described as:

- 625 sq m industrial depot
- 702 sq m offices
- 12 tennis courts
- 15 flats

TPK say that current activity at the site is diminished and that the existing office and other buildings could be used more intensively. For this reason they propose two "base cases" - the existing site traffic (flats and tennis courts); and existing site traffic plus potential traffic if all current permitted uses on the site were to become active. While this latter approach is a familiar part of many TIAs, it seems to be highly questionable here as to whether there is any realistic prospect of any "standard"

④

~~591~~  
591

industrial use becoming established on the site without development, and in any case there appear to be planning arguments surrounding firstly the nature of the permitted industrial/office uses as ancillary uses to a utility, secondly the public open space designation, and thirdly the implications of conservation area status which need to be considered by others. Consequently we comment below on the way in which both of these approaches have been developed by TPK.

TPK do not use observations of existing traffic accessing the site, but derive what they refer to as "existing" traffic from a standard trip rate database (known as TRICS) related to existing buildings in full and similar use elsewhere. Where existing buildings are under-used it will clearly produce figures for "existing" traffic higher than what is actually seen on the street now.

It is also useful to examine what examples have been used, bearing in mind that if the existing access traffic is found to be high, this will diminish any estimated increase due to the new development (or indeed lead to an estimate of access traffic reduction). The residential trip rates are of less interest here as no diminished use is claimed for them, and they have been checked in London.

The trip rates used to estimate the "potential" office traffic have been derived from five examples on the database - all of them are in London, but one has a particularly high trip rate (3.88 compared with 0.23 - 1.46 for all the others, AM peak arrivals). This site is in the middle of an industrial park off A40 Western Avenue, with no public transport service. Inclusion of this site, which appears to be highly inappropriate, increases by nearly 60% the average trip arrival rate for the industrial element used by TPK to estimate "potential" traffic to the site.

Similar though less significant comments can be made about the "potential" office access traffic (which includes a site in Fareham, South East Hampshire with "moderate" public transport) and the tennis element (where TPK have used TRICS data on two sites, one of which is an edge-of-town tennis club in Preston, Lancashire not directly served by public transport but 0.5 miles from the M6). The tennis figures have been used to estimate "existing" traffic in the lower of the two base case scenarios, though it does not enter the site.

We suggest that the figures as presented (allowing the approach of maximum use) over-state the "existing and potential" access traffic. The figures used for the tennis element probably over-state the existing tennis-related traffic.

#### *Operational assessment of the existing situation*

The base analysis of the Campden Hill Road / Notting Hill Gate junction (Table 3) shows less queuing than we would expect on Campden Hill Road. This may be because the base traffic flows that TPK have used are low, as discussed above.



(5)



COLIN  
BUCHANAN  
AND PARTNERS

592 8A

The PICADY analysis of the Aubrey Walk / Campden Hill Road / Kensington Place junction notes that queuing on Aubrey Walk is not fully reflected in the results - because of constraints on Campden Hill Road. This seems to contradict the earlier statement that Campden Hill Road is wide enough for two-way traffic. Additional traffic will make this situation worse, though the analysis does not suggest significant change. Nevertheless we would suggest that this capacity analysis would benefit from:

- a) Calibration of junctions
- b) Use of representative base data.

### *Redevelopment proposals*

The report notes that some kerbside parking will need to be relocated, but the number of spaces overall will not change. The drawings appear to show that a parking place of 20m length will be replaced with one of 14m; this suggests a loss of one space even though adherence to absolute visibility splay standards (in line with the upgrading of the site access junction) may lead to the loss of more spaces.

On trip generation, the comments above on the trip rates apply to the estimates of "existing and potential" traffic. If the planning arguments about potential permitted uses are strong, there is no need to consider the comparisons in the report between the "existing and potential" access traffic and "existing plus development" traffic. The comparison should therefore be between the existing traffic and existing plus development. This shows that the site access traffic will rise from 7 vehicles per hour to 23 vehicles per hour in the AM peak, and from 5 to 26 in the PM peak. These are significant increases for Aubrey Walk.

The Tennis traffic generation, while probably over-estimated in the first place, does not access the site and is assumed to be unchanged. The over-estimate does not therefore affect the change in traffic in absolute terms (+16 and +21 in the table on p16) but the percentage change appears lower than it should. No allowance has been made for the new practice court, but this is probably minor. The figures also assume implicitly that the new courts will be used in the same way as currently; this might not be true if tournaments or other events were to be staged (this matter could probably be dealt with by way of suitable conditions).

The trip distribution figures show 31% of all westbound traffic from the site leaving via Aubrey Road.

### *Impact of Development on highway network*

The OSCADY analysis of Campden Hill Road / Notting Hill Gate suggests a marginal increase in flow/capacity ratios (RFCs) and no increase in queues. Correcting any under-representation of the base flows and queues could lead to proportionately greater impacts as in congested conditions delays and queues increase rapidly. The impacts as modelled by TPK are small and if accepted would not be sufficient grounds for refusal - however this may change if the analysis were to be repeated as suggested above.

(6)



COLIN  
BUCHANAN  
AND PARTNERS



593

## Summary

We would sum up as follows:

The TIA is a conventional traffic study of fairly limited scope, but this scope will have been agreed with RBKC - if it hasn't, then there is merit in it being reviewed and extended.

The TIA omits mention of several key aspects of the site, its surroundings, and the way in which the local roads operate.

The way in which existing traffic is described is questionable in part because of the survey data on which it is based and the way it has been applied to the network.

The modelling of junction capacity seems not to represent observed conditions well, perhaps because of the traffic data inputs.

The estimates of "existing" and "existing and potential" site traffic appear to be overstated because of the use of inappropriate site data from TRICS. This has the effect of portraying a smaller % increase in site traffic due to the development. The validity of the "existing and potential" approach needs to be tested with planning arguments.

Site traffic on Aubrey Walk is estimated to increase from 7 vehicles per hour to 23 in the morning peak, and from 5 to 26 in the evening peak. In terms of the site access there should be further consideration of its likely displacement of existing on-street parking spaces.

There is no investigation in the TIA of the five accidents at Aubrey Walk / Campden Hill Road / Kensington Place, and this is relevant to the proposed increased use of this junction.

Two more general points may be made. Firstly, you have noted that the potential redevelopment of the KCL site (Atkins House) will also affect Campden Hill Road and that if RBKC can be persuaded to examine their impacts together it may result in a lower quantum of development overall.

Secondly, the TIA is almost wholly to do with road traffic. While public transport already exists, I think such a document these days should contain information about walk and cycle links from the site to its neighbourhood, and there is nothing on this. This may well be to do with the "gated-compound" nature of the scheme, but from a planning point of view I think it may be reasonably said that the lack of any walk link whatever southwards to Kensington High Street is hardly likely to encourage walking or cycling that way (though no doubt that is where many of the residents will shop). Nor do the plans we have appear to show any walk links from the School to the tennis courts (though presumably the School will make use of them at times?). The single gate access to Aubrey Walk does seem to suggest that the amount of non-car movement in and out of the scheme would be small. This is not really in the spirit of current policy.

①



COLIN  
BUCHANAN  
AND PARTNERS



I hope these comments are helpful, and we look forward to learning how you and your fellow residents wish to proceed.

Yours sincerely

⑤94

PA. A. Moxfield

N. Bursey  
Director



## 1.0 SITE/PREMISES

1.1 This site currently contains two, disused, brick built, covered Victorian reservoirs, with 12 tennis courts on their roof, with the structures themselves being partly above ground level and partly below. The reservoirs cover approximately 75% of the site area, and are partly above ground and partly recessed with the top of their ground slab at 34.6m above Ordnance Datum and their roof at a height of 42.5m above Ordnance Datum.

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 soft landscaping 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 If the tennis courts above the reservoirs roof structures are counted as "open space", and the access roads are also counted as open space, then about 12,648 sq.m of the existing site counts as open space (approximately 81% of the site area). The site is recorded in the Council's Open Space Survey of 1992.

1.5 The height of the reservoir buildings is such that their upper deck level (the level of the tennis courts) is higher than surrounding street levels, with embankments along all sides including Aubrey Walk to the North. The embankment restricts many views into the site from street level.

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. A third 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.

*Other vegetation (to avoid suggesting conscious design)*

(16)

396

~~100~~

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, and underground parking for the houses and flats.

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

space/courtyard/area

2.3 It is proposed that the 19 houses are arranged around a square 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 (including access roads but excluding private residential gardens) as open space, either soft or hard landscaped. As such, the proposal would result in a reduction of approximately 30% of the existing open space on this site.

Housing Mix

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

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

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

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

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

2.8 This produces 26% of units being affordable housing.

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

Density

2.10 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). If the site was taken to be two sites, with the tennis court part of the site treated as separated from the housing part of the site, the density would be greater at approximately 327 hrh.

Two sites



597

### Recreational facilities

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

### Means of Vehicular and Pedestrian Access

- 2.13 An underground car park at basement level will provide 92 parking spaces, including 12 disabled spaces. This provides 2 spaces for each house, and one for each flat. 9 visitor spaces are proposed at 0.1 spaces per dwelling.
- 2.14 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 the same location as the existing access/egress to the parking area at the rear of Water Tower House. The existing vehicular access opposite Hillsleigh Road would be removed, and the access/egress to/from Campden Hill Road would not be used as part of the proposed development, but would remain for the use of Kensington Heights.

### Form and Scale

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

SEE ATTACHED

- 2.16 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.
- 2.17 The ~~main~~ <sup>houses</sup> 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

- 2.18 The site datum has been fixed at a height of 30m from sea level. The new basement level would be at 34.75m, or 4.75m above datum. 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.

Phaps mention ht. of water tower house?

~~122~~

598

2.15 ... part six storey, part five storey. The plans ~~show~~ show two main sections linked by a central foyer etc etc. The bldg. is to be richly modelled, with a flat roof. It is proposed that ... Ken H's, being six storeys at that section, with some seting back of the top <sup>two</sup> storeys from the north elevation) so as to present a three storey ~~also~~ main elev. to Anderson Walk. The ~~the~~ main parapet etc etc of the other section



### Detailed Design

2.19 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.

2.20 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.

2.21 The design of the Campden Hill block is modern and domestic 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 successfully 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.

2.22 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, part walls and chimneys establish the rhythm of the terrace. This is assisted by slight set backs and forwards 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.

2.23 The houses ~~set in three terraces around the garden square~~ <sup>also</sup> employ the same traditional vocabulary of design elements as the block on Aubrey Walk (although their scale is more imposing than the latter block). 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. Tall mansard roofs complete the effect. 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 west 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 garden square laid out in two halves' the northern boundary runs close to the back edge of the pavement on Aubrey Walk. The boundary of the garden bordering Aubrey Walk is edged with iron railings set onto a low wall.

and relate positively to the terrace houses.





and general impact upon amenity. The whole proposal must be assessed to ensure that it <sup>leaves</sup> ~~does not harm~~ the character, or appearance, of the Conservation Area. <sup>unharmd.</sup>

*Pedantic - some!*



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 RPG3, are referred to as appropriate.

No reliance on PP615?

Archaeology

4.3 The applicants have submitted an Archaeological Assessment of the site, which was prepared with the aid of boreholes drilled on site.

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

Principle of demolishing the existing Reservoirs and ancillary buildings

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

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

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

4.6 Taking (a) first, the contribution made by the reservoirs and ancillary buildings to the character or appearance of the Conservation Area must first be gauged. The impact of the removal of these structures must then be assessed, in the light of the above Policy.

4.7 The tennis courts atop the reservoir structures make a very important contribution to the visual amenity of the area by giving the impression of open space, but Conservation Area Consent is not required for the removal of the tennis courts themselves. The flat green surface of the court area must not be confused with the built structures beneath them when considering the application for demolition.

4.8 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,

(125)

(61)

4.9

..... support trees and other planting widely cherished as part of the chor. I appear of the cons. area. They are not accidents; .. introduced originally to help support the enclosing walls of the reservoir. Tho' there is no evidence that they were landscaped with the aim of <sup>to benefit</sup> ~~improving~~ the visual amenity of the site that is a role they do perform today.

4.11 V. difficult: I can see you have to say that but should Members be reminded of the CAPS assessment?

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.

- ~~SEE ATTACHED~~
- 4.9 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 hold attractive planting and clearly do provide a positive contribution to the character and appearance of the Conservation Area. These embankments are not accidents; they were introduced originally as a means of improving the visual amenity of the site, and this is a role that they still perform well today.
- 4.10 The tennis courts above the reservoirs provide a pleasant outlook from the upper floors of surrounding buildings, and although views into the site are limited at ground level the open, green finished tennis courts are considered to provide a positive contribution to the character or appearance of the Conservation Area.
- 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 a positive 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 at the end of this report in overall assessment of the application for planning permission.

#### Principle of demolishing Water Tower House

- 4.14 Water Tower House is not a particularly pleasing building to the eye, being of plain and uninteresting 1970s architecture, and is not well related to the architecture of any of the neighbouring buildings.
- 4.15 The Conservation Area Proposals Statement describes Water Tower House as "a dreadful building in all townscape respects", and further describes it as "the area's least appealing building". It recommends that the site should be redeveloped with "premises more responsive to the prominence of the site and better related to the character of the area".
- 4.16 Given the strength of the advice in the CAPS it is not considered that Policy CD51 provides grounds to refuse consent for the demolition of this building, subject to a satisfactory replacement building being approved.

#### Open Space

- 4.17 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"**

- 4.18 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.

- 4.19 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"**

- 4.20 The Unitary Development Plan does not define what should count as "open space" for the purposes of this Policy, although "wildlife value" is mentioned and those spaces specified in the Plan are generally formal garden areas. A narrow definition of "open space" could be open land, possibly soft-landscaped but generally free from built development. If this definition were to be followed, then the majority of the application site would not be "open space" at all, given that the site is largely covered in buildings of one form or another. The tennis courts may be "open" in that they are not roofed over, but they are in fact laid upon the roof structure of the brick built reservoirs and in that way are little more "open space" than the flat roof of, for example, a block of flats or a multi-storey car park. This argument has some logic to it but, however, it is considered too simplistic as it ignores the true visual function that this site plays.

- 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 points, primarily in Aubrey Walk but to the South, from where views into part of the site can easily be taken, and from those points too the site appears as largely open space. This impression is strengthened by the trees and shrubs that line parts of the site, & which,

- 4.23 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. When viewed from the upper floors of Kensington Heights, for example, the site certainly gives the appearance of being largely open space.

- 4.24 This 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."**

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

(604)



4.26 Including the surface of the reservoir structures (i.e, the tennis courts), and the access roads, 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; the gardens might still be "open" in terms of visual amenity, but no longer in terms of function. 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.

*\* amenity enjoyed by numerous residents and to the...*

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

#### Recreational Provision

4.28 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.

4.29 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

4.30 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 RPG3, which stressed that the LPAC figures should be regarded as **minimum** figures. This target is a material consideration in assessing this proposal.

4.31 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.

**LOS**

**10**

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

4.63 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 lower than Kensington Heights at 52m to main parapet height, 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.

*This can't be right as proposed block is 2 storeys higher - see also para 2.18?*

*and also closer to Ken Hts.*

4.64 In plan form the building will be set further forward than the present building (particularly along its southern boundary with Kensington Heights). Set backs and forwards 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 will 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.

*on a low plinth*

*Quantity increased footprint?*

4.65 With the proposed Campden Hill Road block reducing from six storeys to three as it turns 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 the lower height of the corner property to the North. They have also chosen a massing that is compatible with the 7/8 storey block of Melbourne House to the East across Campden Hill Road.

**ATTACHED**  
*modern*

4.66 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 properties along Campden Hill Road. 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.

4.67 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 support the demolition of the existing building.

*Much*

4.68 In views from the North down 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 will generally feature 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 considerably improved as it will be successfully terminated by the appropriately scaled and detailed north elevation of the proposed building. 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.

*would*

*up?*

*(tho' it is less discordant as regards Aubrey Walk.*

4.65 ... By stepping <sup>(bldg)</sup> the skyline  
 of the bldg. they have sought  
 to respect the tower ht. of <sup>(bldg)</sup>  
 the property to the north and  
 the more intimate scale of  
 Anthony Walk.

4.68 ⊗ wld. be terminated (or  
 enclosed?) more emphatically  
 than now, albeit with a  
 (bldg) more appropriately  
 articulated ~~than~~ and detailed  
 → than now. More importantly  
 it greater bulk closer to St  
 George's is a matter of  
 concern, one reason why...

607

so much

4.69 The problem is not in its detailed treatment, ~~but 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 it's 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 it's scale altogether, towards the scale of no.25 Campden Hill Road, rather than attempt to emulate its height and scale even in part.

4.70 It is concluded that the bulk and scale of this development may be compatible with Kensington Heights, but is not compatible with other surrounding buildings. 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.

but would diminish the townscape prominence of St Geo's.

4.71 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 ~~in order to reduce~~ the apparent bulk of the building whilst improving its design quality. It is considered that ~~the revised design should be welcomed as it 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.~~

with the aim of

Aubrey Walk block

4.72 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) ~~stress that 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.

the rather restless is

4.73 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 a very important contribution to the character and appearance of Aubrey Walk. Although it might add to the urban 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.

identifies these spaces as never having been properly considered in design terms & notes that landscape improvements with





*private*

*public*



The "Square"

- 4.74 The garden square form, in theory, should maintain a well defined sense of enclosed/urban space whilst simultaneously providing views into an attractively landscaped/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.
- 4.75 However, the proposed "square" is considered to suffer from a particular drawback that severely limits the role that such a soft 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 that it does not compare well to the proportions of traditional London Squares; it does not compare well to them but 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.
- 4.76 The residential density of the development proposed for this site may fall just within the Unitary Development Plan guidelines in terms of numbers of habitable rooms, however one result of the relatively high density can be identified in the constricted form of the square
- 4.77 It is concluded that the "square" does not attain the high standard of design that is envisaged in Policy CD53.

4.78 Setting of nearby Listed buildings

The impact of the new buildings and landscape on the setting of the Grade II Listed Church of St. George and the adjacent Grade II Listed terrace 2 to 6 Aubrey Walk has been considered. 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, 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"**

- 4.79 Although the setting of these listed buildings would be altered, it is not considered that the proposed development would be such that their setting would be adversely affected. Views of the Listed buildings would not be denied, architecturally no part of the development would reach close to them, dominate them, or otherwise adversely intrude upon their setting. Similarly, the embankment to Aubrey House would be left untouched apart from minor adjustments to its planting, and there would be no material change to the existing relationship whereby the House exists adjacent to a planted embankment with a reservoir retaining wall and tennis courts behind.

*ARE WE GOING TO CHANGE THIS STANCE (IN THE LIGHT OF NEW EH COMMENTS?)  
YES - but evidently on our own initiative!*

Design - External Detail

- 4.80 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.
- 4.81 The design detail of this development has been amended several stages as a result of negotiations between the applicants, Officers, and the design consultants acting on behalf of the Council.

4.79 (Unless Eff. have expressly  
 said the setting of St G's  
 wld ~~be~~ not be harmed I do  
 think the bulk of the new  
 block wld. diminish what  
 at present is its appropriate  
 prominence in townscape.  
 A case - tho' weaker in my  
 view - can be made for the  
 restlessness of the Arbor  
 Walk flats detracting from  
 the setting of the Geo. tee.  
 opposite.)

ADD (somewhere) The relatively unified  
 treatment of the long Arbor Walk  
 frontage does nothing to help the  
 development accord with its small-  
 scale, intimate character.



- 4.82 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 Road. 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.
- 4.83 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 largely 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. X
- 4.84 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"
- 4.85 The proposed development includes gates at the vehicular and pedestrian entrances.
- 4.86 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, 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. 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.
- 4.87 If it is accepted that the development of this site should make a contribution to the amenity of 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. This aspect of the proposal also conflicts with Policy CD25 in terms of how sensitive it is to the character of the surroundings.

LP/100017802  
LMcC/eaw/REKC  
Denis McCoy

611

~~11~~

RECEIVED BY PLANNING SERVICE							
EX DIR	HDC	N	C	SE	ENF	AD	ACK
14				19 MAY 1999			
APPEALS	IO	REC	ARB	FWD PLN	CON DES	FEES	

18 May 1999

Ms LeVerne Parker  
Legal Services  
The Royal Borough of Kensington & Chelsea  
The Town Hall  
Hornton Street  
LONDON W8 7NX

By fax this plus 4: 0171 361 3488

Dear LeVerne

Camden Hill Reservoir

Thank you for your letter and enclosures of 17 May. Though I have indeed spoken with David and Derek I have not yet clarified what I see as my biggest problem, namely resolution between what the CAPS has to say and the importance now attributed to the openness of this site.

In their appraisal of the character and appearance of Kensington Conservation Area the Council have categorised all the open space as "neutral" in its contribution. This is not consistent with the wording of suggested reason no 3 for refusal.

The categorisation was proposed as advised by English Heritage document "Conservation Area Appraisals" (1997): extracts attached - see especially p9. Impact upon townscape, and visual relationship between public and private spaces are factors noted in the advice.

The supporting text to UDP policy CD21, resisting the loss of open space, refers to their visual amenity value (as does suggested reason no 1 for refusal) though the policy itself mentions only character or appearance.

While the standard of residential amenity enjoyed in a conservation area must be a constituent of its character I am wondering whether at a particular private open space one might distinguish between "townscape" value and "residential amenity" value. Put another way might retaining its openness carry different weights for these purposes.

My own view is that the distinction can be drawn and accordingly I would prefer to see reason no 3 worded much less bullishly as regards character and appearance. Though agreeing that premature demolition would be harmful I think we might avoid some difficulties by indicating willingness to accept demolition subject to a condition providing that it shall not take place until a redevelopment has been approved (Paragraph 4.29 of PPG15 refers).

612

~~W~~

Ms LeVerne Parker

18 May 1999  
p 2

If this is not agreed paragraph 6.3 in the Draft Rule 6 Statement needs "in the absence of an approved development" inserted in the last sentence.

I note the point which senior counsel particularly wishes to discuss on Friday, and will prepare accordingly. A postal copy of this is going to Derek.

Yours sincerely

*DMC*

McCOY ASSOCIATES

cc Derek Taylor by post

encls



613

DT

COPY

~~613~~

LAWRENCE GRAHAM

J Zukowski Esq  
for Director of Legal Services  
The Royal Borough of Kensington and Chelsea  
The Town Hall  
Hornton Street  
London W8 7NX  
SENT BY FAX AND POST:- 361 3488

Our Ref: JZ/10018473

Your Ref: TDB

18 May 1999

RECEIVED BY PLANNING SERVICES							
EX DIR	HDC	N		SW	SE	ENF	AO ACK
(42) 21 MAY 1999							
FILES	IO	REC	ARE	FWD PLN	CON DES	FEES	

Dear Mr Zukowski

**Campden Hill Reservoir**

Thank you for your letter of 17<sup>th</sup> May. I trust that you have now received my fax which was sent following our conversation and refers thereto. With regard to the points you raised, I would comment as follows:-

1. This may be a matter of semantics but my instructions were that it was agreed between Mr Sellwood and Mr Taylor that there would be a meeting on Monday. You informed me that the meeting was cancelled following the advice you gave to Mr Taylor.
2. As you know, we consider that the point raised in your first sentence is addressed by the draft Agreement. We consider that there is merit in discussing this with you. We do not follow the point raised in the second sentence of your letter.
3. You agreed that the drafting points you had raised were not major issues. We consider that the Agreement does provide certainty. As you will know from my letter to your colleague, Ms Parker, the Council will also have to consider the draft in the context of what may be acceptable to the Inspector. I would remind you that the basis of the sequential approach, as followed in the draft, was agreed by Mr Taylor in discussions with Mr Sellwood. It would be helpful if an explanation could be given as to why that approach is no longer acceptable.
4. Whereas we note what you say, we have been seeking to find common ground based upon an approach adopted by the Council elsewhere. We consider this to be a constructive approach and we would trust that you would respond accordingly.

190 Strand London WC2R 1JN Tel: 0171-379 0000 Fax: 0171-379 6854 Telex: 22673 DX: 39 London Chancery Lane WC2  
and  
61 St Mary Axe London EC3A 8JN Tel: 0171-621 1141 Fax: 0171-480 5156 Telex: 887133 DX: 1072 London City CDE

E-mail: info@lawgram.com Internet: http://www.lawgram.com

- 2 - (64) (12)

COPY

It would appear that the many points raised in correspondence themselves justify the merits of a meeting to see whether the issues between the parties can be narrowed. I now await hearing from you as to whether you would like to respond in a constructive spirit to our suggestion of an open and frank meeting to discuss all issues with a view to seeing whether progress can be made.

Yours sincerely

**TREVOR BLANEY**

Cc Mr Taylor

Dever Taylor - Planning Services

**LEGAL SERVICES**  
THE TOWN HALL, HORNTON STREET, LONDON W8 7NX

19 6/5

DIRECTOR OF LEGAL SERVICES      A.G.PHILLIPS LLB, SOLICITOR

Mr T Blaney  
Lawrence Graham  
DX 39 London/Chancery

TELEPHONE      0171-361-2617  
FACSIMILE      0171-361-3488  
DX 84015 Kensington High Street 2  
INTERNET      tcljz@rbkc.gov.uk

also by fax 0171 379 6854

20 May, 1999

My reference:  
JZ/10019056

Your reference:  
TDB/S3402/1

Please ask for:  
John Zukowski

Dear Mr Blaney,

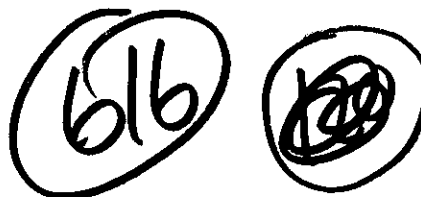
**Campden Hill Reservoir - Proposed S106 Agreement**

I refer to your letter dated 18 May which I received after my letter to you of 19 May. Dealing with the points in your letter, I respond using the same numbered paragraphs:-

1. I hear what you say.
2. Your client's position is, as I understand it, that each of those units earmarked for on-site provision carry with them a service charge estimated ( by your clients) at approximately £5000. This is a charge which would far exceed the rent which a housing association tenant would expect to pay. Equally it is not a charge that an RSL can absorb. Therefore the proposed on-site units are not "affordable" in the context of the UDP policy and your client's offer of on-site provision is illusory. I can only assume that he wishes to import into the agreement some form of "sequential test" because it is recognised that the on-site proposal cannot in reality be taken up.
3. The Council's position is as stated above, irrespective of what may or may not have been said in preliminary discussions. No doubt Mr Taylor was, quite reasonably, prepared to hear what you had to say on your "sequential test" approach but that falls far short of any agreement on his part. In any event Mr Taylor endorses the stance set out in my letters to you.
4. I have tried to make it very clear to you that if you wish to find common ground, it will not be found at 552 Kings Road which in any event is subject to an Article 14 Direction. A copy of the minutes relating to that development is enclosed herewith.



Your view that there is something to be gained in a further meeting is not shared by the officers of this Council unless and until you abandon your "sequential test" approach and come forward with realistic proposals for on-site affordable housing.

Two hand-drawn circles. The left circle contains the lowercase letters 'blb'. The right circle contains a dense, illegible scribble of lines.

Yours sincerely,

John Zukowski  
for Director of Legal Services

cc Derek Taylor, Planning Services - Central  
Stan Logan, Housing Initiatives  
LeVerne Parker, Legal Services



LAWRENCE GRAHAM

DT

617

COPY

25-1

EA

J Zukowski Esq  
for Director of Legal Services  
The Royal Borough of Kensington and Chelsea  
The Town Hall  
Hornton Street  
London W8 7NX

Our Ref: JZ/10018473

Your Ref: TDB

20 May 1999

RECEIVED BY PLANNING SERVICES							
EX DIR	HDC	N	SW	SE	ENE	AO ACK	
(86)		25 MAY 1999					
APPEALS	IO	REC	ARB	FWD PLN	CON DES	FEES	

Dear Mr Zukowski

**Campden Hill Reservoir**

Thank you for your letter of 19<sup>th</sup> May. I trust that you have now received a copy of my letter of 18<sup>th</sup> May in which we repeat our offer of an open and frank meeting to discuss all issues with a view to seeing whether progress can be made. I look forward to hearing from you as to whether the Council wishes to take up this offer.

You will have seen from my letter of 18<sup>th</sup> May that we do not "rely" upon the Inspectorate's letter for our request for a meeting. We have given you a number of reasons why we consider a meeting to be of value, including the encouragement for this by the Inspectorate and also the fact that the draft Section 106 Agreement as presented to you reflects that sequential approach as agreed by Mr Taylor in discussions with Mr Sellwood. You will also be aware that it was previously indicated by the planning officer that on site provision was inappropriate.

Yours sincerely

**TREVOR BLANEY**

Cc Ms LeVerne Parker

Mr D Taylor

190 Strand London WC2R 1JN Tel: 0171-379 0000 Fax: 0171-379 6854 Telex: 22673 DX: 39 London Chancery Lane WC2 and

61 St Mary Axe London EC3A 8JN Tel: 0171-621 1141 Fax: 0171-480 5156 Telex: 887133 DX: 1072 London City CDE

E-mail: info@lawgram.com Internet: http://www.lawgram.com

ASSOCIATED WITH FIRMS IN AMSTERDAM BEIRUT BRUSSELS HAMBURG HONG KONG MADRID MILAN NAPLES NEW YORK PARIS ROME STOCKHOLM VARNA AND MARIUPOL 966914.01 MEMBER OF ABLE (ASSOCIATED BUSINESS LAWYERS IN EUROPE)

SOLICITORS AUTHORISED BY THE LAW SOCIETY TO CONDUCT INVESTMENT BUSINESS. A LIST OF THE PARTNERS NAMES IS OPEN TO INSPECTION AT THE ABOVE ADDRESS

✓ 01/5  
21/5

MFCA

618

DT  
~~DT~~

McCoy Associates Chartered Town Planners  
31 Station Road · Henley-on-Thames · Oxon RG9 1AT · Tel: 01491 579113  
Fax: 01491 410852 · VAT No. 363 3525 59

With Compliments by fax

● This page plus 5 others

TO: ① LeVene Parker

RBKC Legal

② Derek Taylor ✓

RBKC Planning

for information

for comments

for action

as requested

*Confidential to addressee only --- use of contents by others prohibited.  
If received in error please let us know by telephone at our expense.*

20 MAY 1999 16:08

01491 410852

PAGE.01

R.B.K.& C.  
TOWN PLANNING  
21 MAY 1999  
RECEIVED

## THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA

CAMPDEN HILL RESERVOIR  
LONDON W8SKELETON PROOF OF EVIDENCE  
of  
DENIS McCOY

619

## 1. Qualifications and experience

## 2. Physical Context

The Royal Borough - very brief reference to primacy of residential use and high quality of environment.

Kensington Conservation Area - extent - largely designated pre-1976 - character not uniform throughout - predominantly residential, some institutional and civic uses - appearance generally fine grain with regrettable exceptions - contrasting parts / periods of development.

**Surroundings of site**

To north: Aubrey Walk - former service road to Campden Hill Sq houses - fortuitous built development - no attempt to produce coherent townscape - variety and maturity contrasting with 20th century blocks - villagey rather than urban - at break point between areas of different character.

To west: gardens of Aubrey House (not materially affected by proposal).

To south: Airlie Gardens / Thorpe Lodge / Holland Park School - brief comment on each - mention modest bulk of T.Lodge.

To east: Campden Hill Road and the startlingly bulky late 20th century blocks around its highest section - erosion of character by being a traffic route - contrast with other parts of Campden Hill Road.

(Include notes re listed buildings on all four sides.)

620



### 3. The Site itself

Evolution of water works - redundancy now - the structures - embankments and planting - openness - no views across, but obvious openness - as seen from surrounding dwellings - the tennis club - 85%(?) open space - Council's Open Space Survey of 1992.

### 4. The proposal

Replace tennis facilities on self-contained west portion of site (?) - housing on central portion - flats in two buildings on remainder - basement parking.

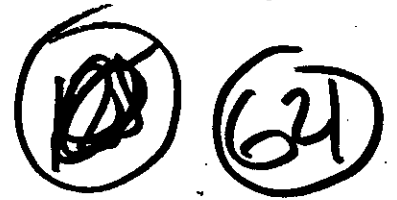
(Some explanation of negotiations? Evolution of second proposal?)

### 5. The main issues

- (a) (Demolition of existing reservoir structures: - Do we really have to contend that this is intrinsically unacceptable?)
- (b) Much-needed housing v. loss of openness: distinguish between contributions to townscape and contributions to residential amenity.
- (c) Density / bulk / scale / urban grain - greater height and volume of Campden Hill Rd block - inspired too closely by the late 20th century buildings - cramped nature of the 'garden sq': cf. proportions of some others in K&C - wholly inappropriate to suggest any resemblance to Campden Hill Sq - dominance of Thorpe Lodge - excessive (?) loss of openness and its consequent harm to residential amenity as well as townscape - failure of Aubrey Walk frontage to "catch" character of the street - consequent harm to setting of listed buildings there.
- (d) Design details: though much of elevated <sup>and</sup> treatment is very "Kensington" the skyline of the Campden Hill block is unconvincing (too much respect for Ken Heights, too little for 25 Campden Hill Gdns) - lack of repose on Aubrey Walk elevation of other block of flats - 'garden sq' nearer to proportions of a street and inadequate for stated concept - gated development alien to character of CA.
- (e) (f) ??? Traffic / sunlight and daylight / affordable housing - BY OTHERS

### 6. Government policies

(based on pp A & B attached) (RPG3?) (PPG17?)



## 7. Development Plan

Conflicts extracted from C'tee Report.

(Hab. rooms per hectare figs, to my mind are a useful guideline to acceptability of a scheme: 3.11 of the UDP explains why past densities are not thought a sound guide now: is it right not to identify conflict with policy H11?)

## 8. CAPS

Principle of Campden Hill block OK if design and bulk satisfactory - big 20th c blocks identified as neutral - description of Aubrey Walk - also of Campden Sq - unconsidered or accidental nature of planting on sides of embankment (any TPOs on site?) - proposed enhancement sought some positive landscape intervention to enhance street - "neutrality" primarily a townscape assessment - some references to EH guidance on preparing assessments of CAs.

## 9. Public Consultation Response

(Extract from or refer to some C'tee Report, I hope!)

## 10. Comments on Grounds of Appeal

TO WRITE IF APPROPRIATE

## 11. Summary and Conclusions

TO WRITE

---

Suggested conditions and reasons for them to be one of the Appendices.

CHR/PoE:DMcC:20.5.99

(622) (148) A

#### 4. THE PRINCIPAL ISSUES

4.1 I consider that the principal issues in this appeal are how the character and appearance of the conservation area, and the standard of amenity enjoyed at neighbouring dwellings, would be affected by a development of the bulk and density proposed.

4.2 Its impacts need to be separately assessed. First subjectively as regards its massing and detailed design, and second objectively in terms of other planning policies and standards, including the Council's standards for the provision of off-street parking.

#### 5. GOVERNMENT POLICIES

5.1 PPG3 (March 1992) confirms in its opening paragraph that established environment policies are to be maintained and enhanced. These include the conservation and enhancement of the urban environment and built heritage.



.8.

5.2 The importance of making full and effective use of urban land for new housing, including bringing neglected or unused land into use, is to be balanced with the importance of maintaining conservation policies (paragraph 15).

5.3 The PPG notes that a well-designed scheme that respects the local environment can do much to make new housing more acceptable to the local community. At paragraph 5 it confirms how the overall scale and density of a proposal, and the height and massing of its various elements, are likely to be relevant considerations when an application is being considered.

5.4 Overall scale, density, massing and height are among the factors which Annex A of PPG 1 (February 1997) confirms development plan policies should deal with. The PPG also confirms (paragraph 13) that the relationship of a proposed development to its surroundings is a material consideration in determining an appeal.

5.5 PPG 15 (September 1994) advises that there should be a general presumption in favour of retaining buildings which make a positive contribution to the character or appearance of a conservation area (paragraph 4.27). Although the building at the appeal site has been altered and is in poor condition in my opinion due to its basic form being that of the original estate development it does make a positive contribution. However the case is less than clear-cut and the same paragraph suggests to me that the Council are correct to regard this as an instance where once there are acceptable and detailed plans for redevelopment substantial (even total) demolition could be allowed.

5.6 Paragraph 4.16 points out how unrealistic it would be to prevent all new development in conservation areas, and that the emphasis will generally need to be on controlled and positive management of change. The following paragraph states the importance of high quality design, and of new buildings in conservation areas being designed with respect for their context, as part of a larger whole which has a well-established character and appearance of its own.



Michael French,  
Executive Director,  
Planning and Conservation,  
The Town Hall,  
Hornton Street,  
London W8 7NX

Fax No. 01865 361001

18<sup>th</sup> May 1999

Fax 0191 361 3463.

Yr. Ref. TP/98/2126



Dear Sirs,

Rc: Thames Water/Berkelcy Homes re-development of Campden Hill Reservoirs/Campden Hill Lawn Tennis club

I write as a member of the above club, and on behalf of a previously passive section of the membership which strongly opposes the proposed development. We believe that a petition would indicate that far from there being a significant number actively supporting the plan, as the club's official committee claims, a growing majority is against. We are writing partly to record our opposition and partly to explain why so few have officially objected so far.

The strength of the opposition has, if anything, increased as details of the inducement to support the scheme offered by the developers in the shape of new underground courts and an improved clubhouse have emerged. The fundamental opposition has, however, been there from the outset. The club's committee members claim that their view has the support of 100% of the membership but this seems to be based on a single meeting at which little more than a handful of the full membership was able to attend. No proper referendum has been conducted and there has been little formal debate within the club.

One explanation for the silence, to date, of those who might otherwise have objected is that they were categorically informed by their representatives on the committee that individual members had no right to object as individuals. Only local residents, and the club's duly elected Committee, had a voice which the council or planning inspector would be willing to listen to. Individual members, they were told, had no right to express their reservations except by persuading the committee to take them on board and pass them on if they saw fit.

The implication was that any member who stepped out of line and attempted to rock the boat by voicing objections direct, assuming the council would entertain them, would be deemed to be in breach of the club rules in some way and perhaps subject to some form of sanction.

Secondly, members were equally misleadingly advised by their committee that failure by the club to support the development would almost inevitably mean the end of the club in any form, as Thames Water would simply refuse to renew the lease when it ran out if the application failed. This, it was assumed, would particularly be the case if the cause of the failure of the application was perceived to be the club's failure to support it. We therefore had no choice but to support the application after extracting in return for that support the maximum possible benefit, which was considerable as without that support it might well fail.

For reasons which it is unnecessary to go into in detail here this argument is highly suspect but

that is what the general membership has been told and believes. Suffice it to say that we believe it is a long way from certain that the implied threat to terminate the lease would ever actually be carried out, even if the fact that the club had actively opposed the development was instrumental in bringing about that failure.

129  
625

We believe the reality is that if the bid fails, for whatever reason, Thames would have little incentive to terminate the lease, knowing they were unlikely to gain any other use for the land for the foreseeable future. The most likely outcome is that they would take a hard-headed commercial decision in their shareholders' interests to keep renewing the club's lease indefinitely so as to ensure a steady stream of income from sensible use of the plot by a responsible, existing tenant with long ties to the land. Any other reaction, we believe, would be likely only to reduce their chances of being allowed to develop the rest of their site.

Whichever view is correct most members appear to have concluded that individual protest was futile for both the reasons mentioned above. Thirdly many appear to have taken the attitude that the duly appointed committee, having looked into the arguments, must know best, even though the arguments put forward by that committee in favour of accepting the plan might look distinctly one-sided. It was not, therefore, for the individual member, armed with very limited information about the details of the negotiations with Thames Water, to question why.

Recently the committee have begun to accept publicly that there may be arguments against the plan, and to attempt to address those arguments (by their letter to the membership of the 12<sup>th</sup> of March) but only once the issue had become officially decided in favour of the supporting the development unequivocally. In the official club publication describing the proposed 'improvement' to the club an anonymous member is even quoted as summing up the benefits by concluding that it was a 'win-win' situation.

Quite why the committee decided to give such unequivocal support to the project, seemingly from the outset, rather than launch a campaign to bring home to the members that the reconstruction of the club really might happen, and to encourage them to make their voices heard before it was too late, remains something of a mystery. It may be that most of those calling the shots are members of other clubs in other areas so would be little affected personally. Maybe again a part-indoor, elite club in the same location (albeit halved in size) is what they would prefer to be members of anyway. Maybe again the temptation presented by the cash injection on offer proved too much for those handling the club's finances.

Turning to what actually is on offer, the replacement club would provide very cramped space indoors, with less room behind the base lines than even the present courts (which are themselves only of 'recreational' standard) and produce great demand on the outside courts in good weather (and no doubt the indoor ones in bad) if anything like the current number continue as members. The necessity to 'cull' the membership in order to relieve pressure on the remaining courts for the benefit of the group of regular players who currently control the club may indeed further explain why so little concern about the detrimental aspects of the project has been expressed by the committee.

So far as the public benefit aspect is concerned, it is the open space in particular that gives not only the club but the immediately surrounding area its' unique character. This would be irreparably changed for the worse under the new proposals. In its current form the club helps to promote precisely the kind of healthy environment that the council normally actively encourages. To destroy it would indeed run directly against its' stated policy in relation to



open spaces. This essential loss of character simply does not appear to have been weighed in the balance of pros and cons by those supporting the proposals.

The club, which is one of the oldest purely outdoor tennis clubs in central London, further provides amenities to the local community in the form of frequent priority court time and coaching offered to local schools together with a youth programme of a very high standard. As planned the development would inevitably reduce this, and at the same time materially increase the traffic congestion and pollution in the narrow surrounding streets. As it happens only a relatively small number of members in practice use the courts or the clubhouse at any one time and of that number many live locally and walk to the club leaving their cars at home.

The council is strongly urged to reject the plan in its' current form, leaving Thames to develop its' current site alone should it so wish,

Yours faithfully,



Christopher Bird



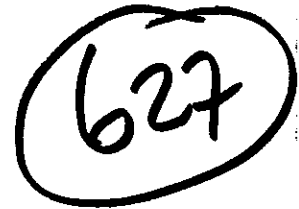
Tucker Parry Knowles Partnership  
Transportation & Infrastructure Consultants



Our Ref: SW/JM/10145

1 June 1999 -

Mrs G Palmer  
Planning & Conservation  
The Royal Borough of Kensington & Chelsea  
Town Hall  
Horton Street  
LONDON W8 7NX




Dear Mrs Palmer

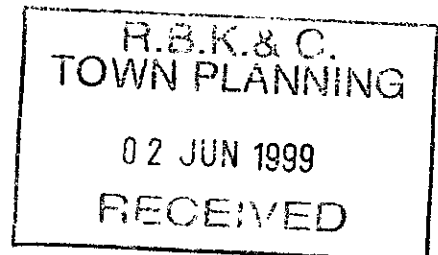
**FORMER CAMPDEN HILL RESERVOIR SITE  
TRANSPORT ISSUES**

I refer to our earlier discussions including meetings held on 19 January 1999 and 23 February 1999 at which agreement was reached on technical issues. I would be grateful for your confirmation that you will not be raising any technical highway or traffic objections.

Alternatively, if you have outstanding concerns can you please let me know what they are.

Yours sincerely

  
Simon A Watts  
TUCKER PARRY KNOWLES PARTNERSHIP

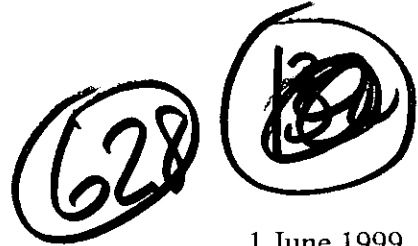


- cc: Derek Taylor - RBKC
- Martin Simms - St James Homes
- Phil Hull - St James Homes
- Nigel Hawkey - Thames Water
- Trevor Blaney - Lawrence Graham
- Bob Selwood - Selwood Planning
- John Mills - PPS
- Gerry Binmore - Broadway Malyan
- James Thomas - Rothermel Thomas

3 London Road, Newbury, Berkshire RG14 1JL  
Tel: 01635 31440 - Fax: 01635 37268 - Email: [inmail@tpk.co.uk](mailto:inmail@tpk.co.uk) - DX 30840 Newbury  
Also at: Manchester and Leeds



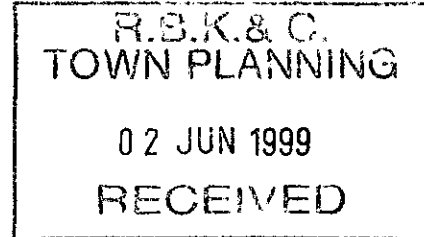
Tucker Parry Knowles Partnership  
Transportation & Infrastructure Consultants



Our Ref: SW/JM/10145

1 June 1999

Mrs G Palmer  
Planning & Conservation  
The Royal Borough of Kensington & Chelsea  
Town Hall  
Horton Street  
LONDON W8 7NX



Dear Mrs Palmer

**FORMER CAMPDEN HILL RESERVOIR SITE  
NEW TRAFFIC SURVEY DATA**

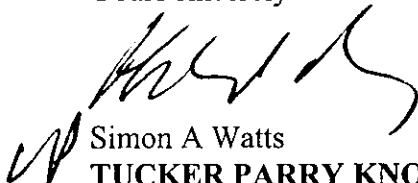
As recently discussed, we have undertaken peak period traffic surveys at the St Marys Gate development in Marloes Road and the Brompton Park site in Seagrave Road to verify residential trip generation rates. Copies of the survey results (27/4/99) and the associated trip rates are shown on Tables 1 and 2 enclosed.

In summary, the average peak hour rates for St Marys Gate are 0.13AM and 0.12PM. Lower rates of 0.05AM and 0.04PM were derived from the Brompton Park survey. These observed rates are well below the figures used in our TIA (0.35AM and 0.38PM for flats and 0.34AM and 0.50PM for houses).

Applying the higher St Marys Gate rates to the revised appeal scheme (67 units) gives a trip generation of 9vph AM and 8vph PM, well below the 21vph AM and 26vph PM used in the TIA.

Also enclosed are the results of a traffic count carried out at the Aubrey Walk/Campden Hill Road junction on 29/4/99. Figure 1 (enclosed) summarises the TIA figures, Figure 2 shows the new survey results and Figure 3 quantifies the differences. The results indicate a reduction in flows on Aubrey Walk (-47vph AM and -39vph PM) and an increase on Campden Hill Road (+40vph AM and +122vph PM). The results show the variable nature of day to day traffic flows in this area. However, the magnitude of change is not significant in terms of the capacity of the junctions or the operational assessments contained in the TIA.

Yours sincerely



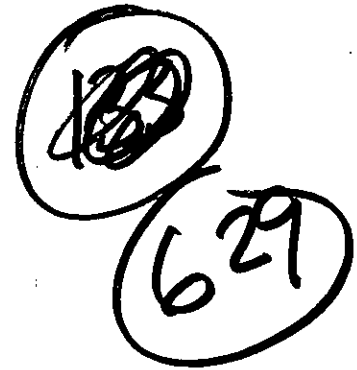
Simon A Watts  
**TUCKER PARRY KNOWLES PARTNERSHIP**

Contd...

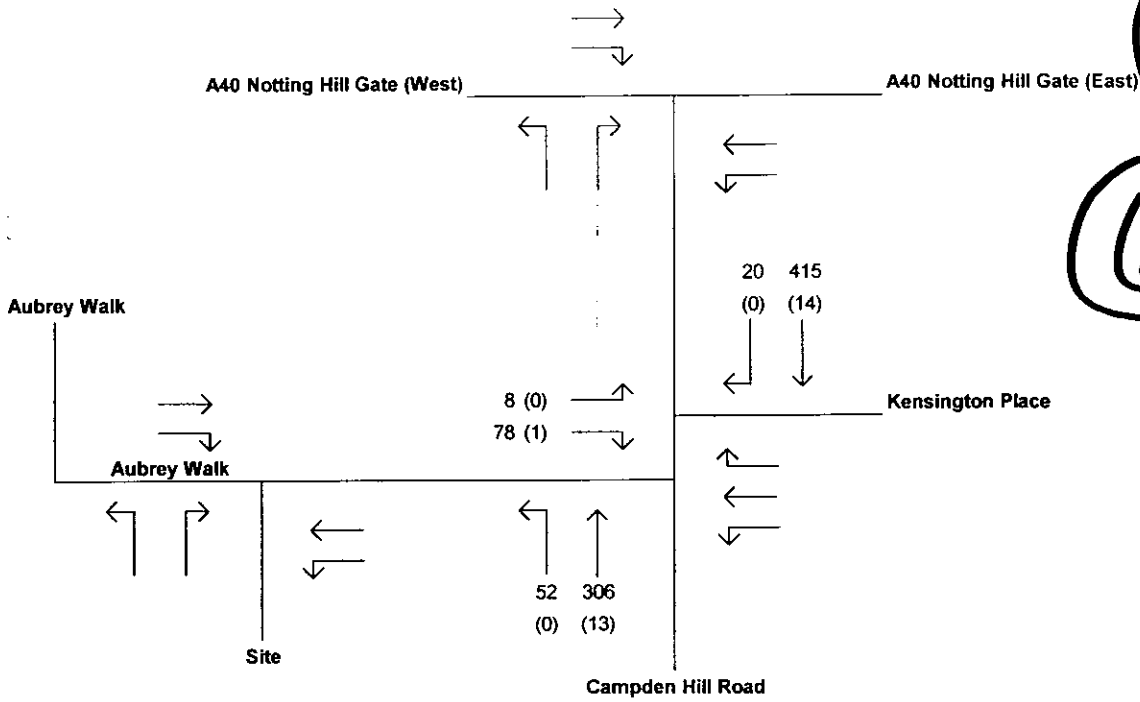
3 London Road, Newbury, Berkshire RG14 1JL  
Tel: 01635 31440 - Fax: 01635 37268 - Email: inmail@tpk.co.uk - DX 30840 Newbury  
Also at: Manchester and Leeds

Enc: Tables 1 and 2, Figures 1, 2 and 3

cc: Derek Taylor - RBKC  
Martin Simms - St James Homes  
Phil Hull- St James Homes  
Nigel Hawkey - Thames Water  
Trevor Blaney - Lawrence Graham  
Bob Selwood - Selwood Planning  
John Mills - PPS  
Gerry Binmore - Broadway Malyan  
James Thomas - Rothermel Thomas

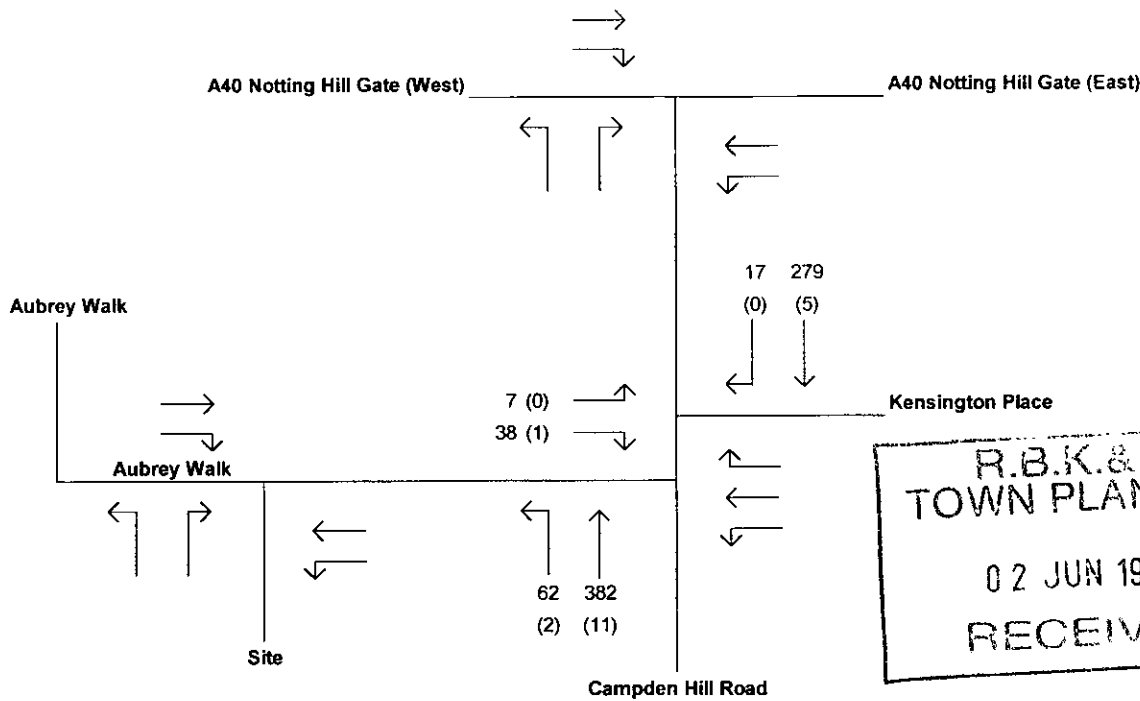


AM PEAK (0830 - 0930)



~~130~~  
630

PM PEAK (1730 - 1830)



R.B.K. & C.  
TOWN PLANNING  
02 JUN 1999  
RECEIVED

**Key**  
62 All Vehicles  
(2) HGVs

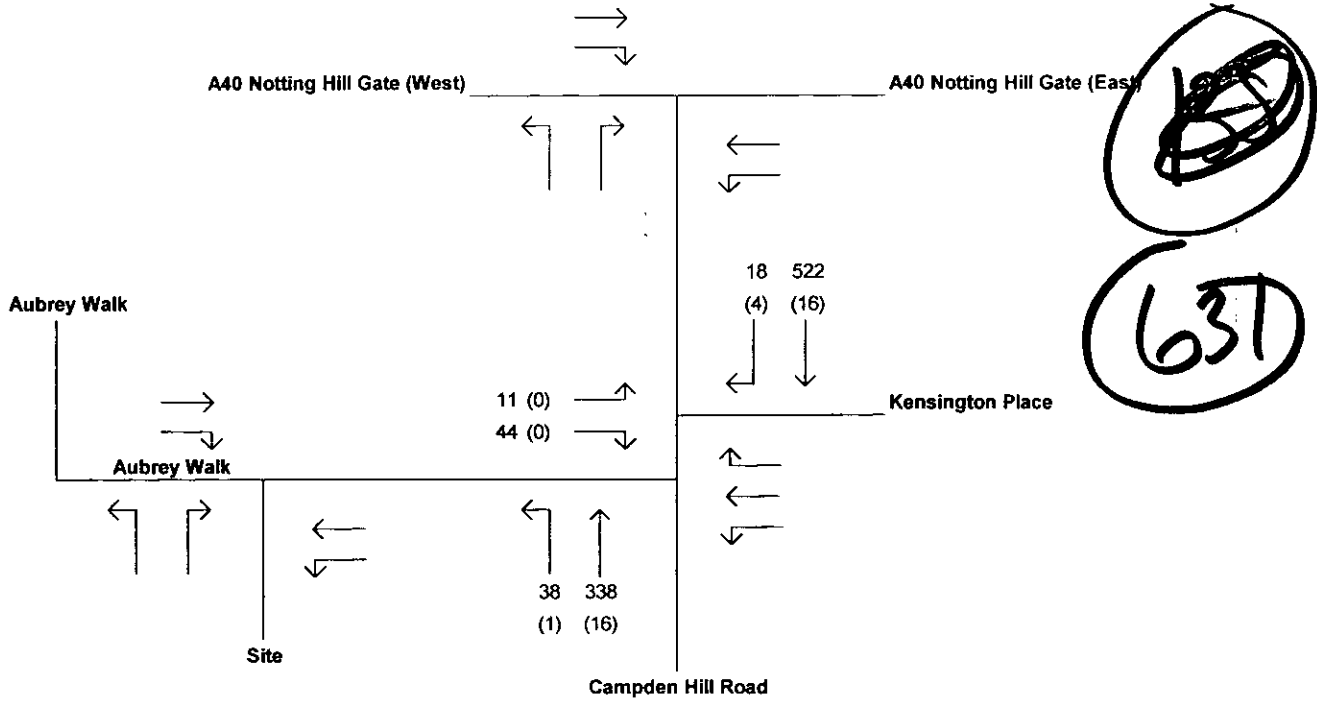
TITLE		Campden Hill Reservoir	
TIA PEAK HOUR FLOWS			
DRAWN BY	CHECKED BY	TRACED BY	DATE
RH	<i>sw</i>	RH	May 1999
SCALE	REF		
N.T.S.	FIGURE 1		



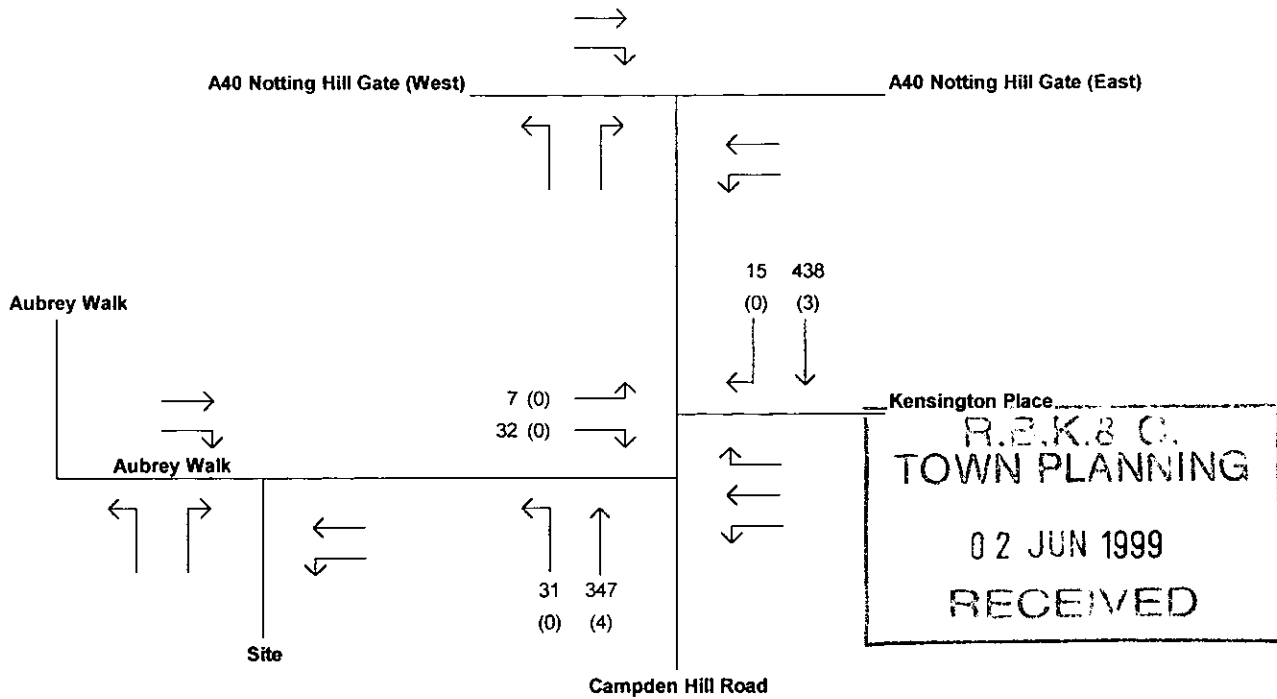
**Tucker Parry Knowles Partnership**  
Transportation & Infrastructure Consultants  
3 London Road, Newbury, Berkshire RG14 1JL  
Tel: 01635 31440 - Fax: 01635 37268 - Email: inmail@tpk.co.uk

DRWG NO	REV
10145/27	

**AM PEAK (0830 - 0930)**



**PM PEAK (1730 - 1830)**



**Key**  
31 All Vehicles  
(0) HGVs

TITLE  
Campden Hill Reservoir  
  
OBSERVED PEAK HOUR FLOWS 29/4/99



**Tucker Parry Knowles Partnership**  
Transportation & Infrastructure Consultants  
3 London Road, Newbury, Berkshire RG14 1JL  
Tel: 01635 31440 - Fax: 01635 37268 - Email: inmail@tpk.co.uk

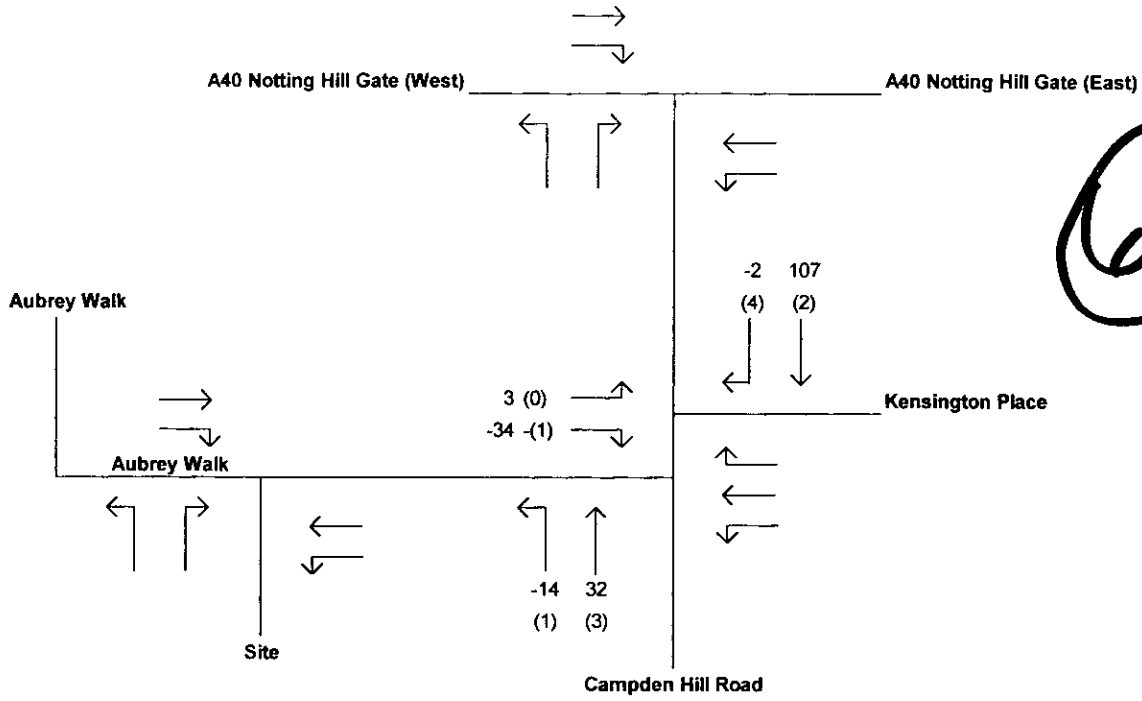
DRAWN BY RH	CHECKED BY <i>SW</i>	TRACED BY RH	DATE May 1999	SCALE N.T.S.	REF FIGURE 2	DRWG NO 10145/28	REV
----------------	-------------------------	-----------------	------------------	-----------------	-----------------	---------------------	-----



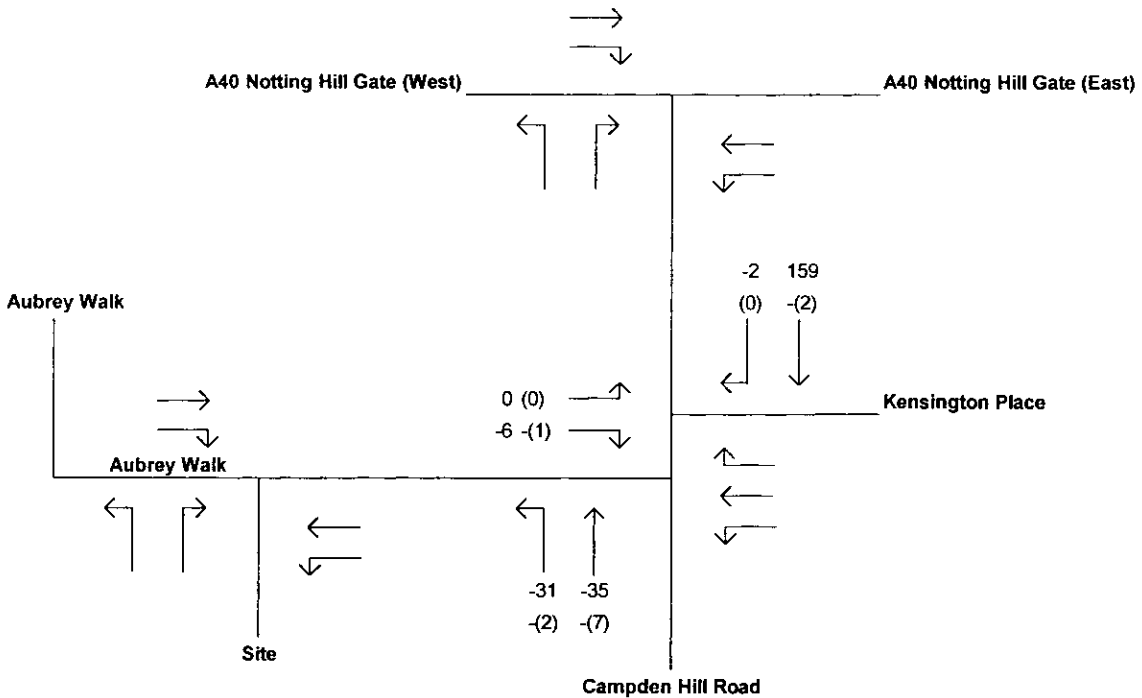
AM PEAK (0830 - 0930)

180

632



PM PEAK (1730 - 1830)



**Key**

- 31 All Vehicles
- (2) HGVs

TITLE  
Campden Hill Reservoir

DIFFERENCES BETWEEN OBSERVED PEAK HOUR FLOWS 29/4/99 AND TIA PEAK HOUR FLOWS



**Tucker Parry Knowles Partnership**  
 Transportation & Infrastructure Consultants  
 3 London Road, Newbury, Berkshire RG14 1JL  
 Tel: 01635 31440 - Fax: 01635 37268 - Email: inmail@tpk.co.uk

DRAWN BY RH	CHECKED BY SW	TRACED BY RH	DATE May 1999	SCALE N.T.S.	REF FIGURE 3	DRWG NO 10145/29	REV
----------------	------------------	-----------------	------------------	-----------------	-----------------	---------------------	-----

Table 1 : Trips and Trip Rates Observed on 27/4/99 for St Mary's Gate

~~123~~

~~123~~

633

~~123~~

ST MARY'S GATE

No of units = 298

Time	Left in			Right in			Left out			Right out		
	Lights	Heavies	Total	Lights	Heavies	Total	Lights	Heavies	Total	Lights	Heavies	Total
0700-0715	1	0	1	2	1	3	4	0	4	1	0	1
0715-0730	0	1	1	1	0	1	3	1	4	1	0	1
0730-0745	2	0	2	2	0	2	4	0	4	0	0	0
0745-0800	1	1	2	2	0	2	3	0	3	1	1	2
0800-0815	2	0	2	1	0	1	4	0	4	3	0	3
0815-0830	1	1	2	0	0	0	3	0	3	4	1	5
0830-0845	1	0	1	2	1	3	9	0	9	1	1	2
0845-0900	3	0	3	1	0	1	2	0	2	0	0	0
0900-0915	1	0	1	4	0	4	2	0	2	0	0	0
0915-0930	3	0	3	1	0	1	4	0	4	0	0	0
0930-0945	2	0	2	4	0	4	2	0	2	1	0	1
0945-1000	1	0	1	4	0	4	4	0	4	2	0	2
<b>TOTAL</b>	<b>18</b>	<b>3</b>	<b>21</b>	<b>24</b>	<b>2</b>	<b>26</b>	<b>44</b>	<b>1</b>	<b>45</b>	<b>14</b>	<b>3</b>	<b>17</b>

Time	Trips		
	Ins	Outs	Total
0700-0715	4	5	9
0715-0730	2	5	7
0730-0745	4	4	8
0745-0800	4	5	9
0800-0815	3	7	10
0815-0830	2	8	10
0830-0845	4	11	15
0845-0900	4	2	6
0900-0915	5	2	7
0915-0930	4	4	8
0930-0945	6	3	9
0945-1000	5	6	11

Time	Hourly Trips		
	Ins	Outs	Total
0700-0800	14	19	33
0730-0830	13	24	34
0800-0900	13	28	44
0830-0930	17	19	66

Time	Trip Rates		
	Ins	Outs	Total
0700-0800	0.05	0.06	0.11
0730-0830	0.04	0.08	0.12
0800-0900	0.04	0.09	0.13
0830-0930	0.06	0.06	0.12

Time	Left in			Right in			Left out			Right out		
	Lights	Heavies	Total	Lights	Heavies	Total	Lights	Heavies	Total	Lights	Heavies	Total
1630-1645	0	0	0	2	0	2	2	1	3	1	0	1
1645-1700	2	0	2	5	0	5	3	0	3	4	0	4
1700-1715	0	1	1	3	0	3	2	1	3	3	0	3
1715-1730	2	0	2	2	0	2	1	0	1	1	0	1
1730-1745	3	0	3	3	0	3	4	0	4	0	0	0
1745-1800	1	0	1	3	0	3	2	0	2	1	0	1
1800-1815	1	0	1	5	0	5	2	0	2	1	0	1
1815-1830	3	0	3	5	0	5	3	0	3	1	0	1
<b>TOTAL</b>	<b>12</b>	<b>1</b>	<b>13</b>	<b>28</b>	<b>0</b>	<b>28</b>	<b>19</b>	<b>2</b>	<b>21</b>	<b>12</b>	<b>0</b>	<b>12</b>

Time	Trips		
	Ins	Outs	Turning
1630-1645	2	4	6
1645-1700	7	7	14
1700-1715	4	6	10
1715-1730	4	2	6
1730-1745	6	4	10
1745-1800	4	3	7
1800-1815	6	3	9
1815-1830	8	4	12

Time	Hourly Trips		
	Ins	Outs	Total
1630-1730	17	19	36
1700-1800	18	15	33
1730-1830	24	14	38

Time	Trip Rates		
	Ins	Outs	Total
1630-1730	0.06	0.06	0.12
1700-1800	0.06	0.05	0.11
1730-1830	0.08	0.05	0.13

R.B.K. & C  
TOWN PLANNING  
02 JUN 1999  
RECEIVED