

746

*[Handwritten signature]*

NOW THIS DEED WITNESSETH AS FOLLOWS

1. INTERPRETATION

1.1 In this Deed the following words and expressions shall unless the context otherwise requires have the following meanings:-

“Covenantors” means the Owner and the Lessee

“Development” means the development referred to in the Planning Application and described in the Schedule

“Executive Director” means the Executive Director of Planning and Conservation and shall be deemed to mean the officer for the Council from time to time holding that appointment or (if no officer holds that appointment) carrying out the duties of that appointment

"Implementation" means the carrying out of a material operation (as defined in Section 56(4) of the Act) PROVIDED THAT for the purposes of determining whether or not such a material operation has been carried out such term shall include works of demolition site clearance site preparation diversion and laying of services and construction of the principal vehicular access road to serve the Land and “Implement” shall be construed accordingly

“Land” means the land known as the former Campden Hill Reservoir Site Kensington W8 which is ~~registered at H M Land Registry under Title No. BGL28734 and is~~ shown for identification purposes edged red on Plan 1

*[Handwritten mark]*

747 (circled) (circled)

- "Plan 1" means the plan marked "1" annexed hereto
- "Plan 2" means the plan marked "2" annexed hereto
- "Plan 3" means the plan marked "3" annexed hereto
- "Plan 4" means the plan marked "4" annexed hereto
- "Planning Application" means the application for planning permission under the Council's reference number DPS/DCC/PP/99/00733
- "Planning Permission" means the planning permission to be granted pursuant to the Planning Application and the appeal to the Secretary of State under DETR reference APP/K5600/A/99/1022704
- "Property" means the area of land shown for identification shown edged red on Plan 2
- "Secretary of State" means the Secretary of State for the Environment Transport and the Regions or other minister or authority for the time being having or entitled to exercise the powers now conferred upon the Secretary of State for the Environment Transport and the Regions by Sections 78 and 79 of the Act and shall also include any person appointed by the Secretary of State for the Environment Transport and the Regions to determine any planning appeal pursuant to the powers contained in the Act and regulations made under the Act

12 Words in this Deed importing the singular meaning shall where the context so admits include the plural meaning and vice versa



Words in this Deed of the masculine gender shall include the feminine and neuter genders and vice versa and words denoting natural persons shall include corporations and vice versa

References in this Deed to any statutes or statutory instruments shall include and refer to any statute or statutory instrument amending consolidating or replacing them respectively from time to time and for the time being in force

Covenants made thereunder if made by more than one person are made jointly and severally

## LEGAL EFFECT

- 2.1 This Deed is made pursuant to Section 111 of the Local Government Act 1972 Section 106 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 and all other powers so enabling
- 2.2 This Deed contains a planning obligation made pursuant to the said Section 106 which is enforceable by the Council and which binds each and every part of the Property
- 2.3 The terms of this Deed (other than Clauses 4.1 and 4.2 below) shall come into effect upon the grant of and the Implementation of the Planning Permission
- 2.4 Nothing contained or implied in this Deed shall prejudice or affect the rights powers duties and obligations of the Council in the exercise of their functions as Local Planning Authority and their rights powers duties and obligations under all public and private statutes bylaws and regulations may be as fully and effectually exercised as if the Council were not a party to this Deed
- 2.5 If any provision of this Deed shall be held to be invalid illegal or unenforceable the validity legality and enforceability of the remaining provisions shall not in any way be deemed thereby to be affected or impaired
- 2.6 No waiver (whether express or implied) by the Council of any breach or default in performing or observing any of the covenants terms or conditions of this Deed shall constitute a continuing waiver and no such waiver shall prevent the Council from

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enforcing any of the said terms or conditions or from acting upon any subsequent breach or default

- 2.7 Nothing in this Deed shall be construed as a grant of planning permission
- 2.8 The covenants herein shall be enforceable without any limit of time against the Covenantors and any successors in title and assigns of the Covenantors or any person claiming title through or under the Covenantors to the Property or any part thereof as if that person had also been an original covenanting party in respect of the interest or estate for the time being held by that person PROVIDED THAT no person shall be liable (save for any antecedent breach) in respect of any breach once he has parted with the whole of his interest in the Property
- 2.9 This Deed shall terminate and cease to have effect if the Planning Permission expires before the Development is commenced by its Implementation by the Owner (or any other person so entitled) or if at any time it is quashed or revoked or otherwise withdrawn or (without the consent of the Owner) modified

3. **THE COVENANTORS' COVENANTS**

The Covenantors hereby jointly and severally covenant with the Council as follows:-

- 3.1 the Owner shall give to the Council twenty eight (28) days notice in writing of its intention to Implement the Planning Permission
- 3.2.1 if the Owner receives a written request from the Council which request may be made within fourteen (14) days from the date of Implementation in which the Council requests the Owner to pay a sum of Two thousand pounds (£2,000) for the protection of the trees shown coloured green on Plan 4 and the Council covenants to:-
  - 3.2.1.1 take appropriate measures for the protection of such trees within twenty eight (28) days of receipt of such payment and thereafter maintain such protection until completion of the Development and
  - 3.2.1.2 use such sum only for the protection of such trees until completion of the Development

then the Owner covenants with the Council that it shall ~~within fourteen (14)~~ days of the said request pay such sum to the Council ~~PROVIDED THAT if the~~ Council does not make such a written request or take the ~~measures referred to~~ in Clause 3.2.1.1 this shall not prevent the Owner from proceeding ~~with the~~ Development

3.2.2 if the Owner receives a written request from the Council which request may be made after three (3) years from the date of Implementation in which the Council requests the Owner to pay a further sum of Two thousand pounds (£2,000) for the protection of the trees shown on Plan 4 and covenants to use such sum only for the protection of such trees then the Owner covenants with the Council to pay such sum within fourteen (14) days of the said request.

3.3 that the communal footpaths footways and other areas shown coloured yellow on Plan 3 shall be accessible to the public on foot only at all times PROVIDED ALWAYS and it is hereby agreed and declared that such areas shall not form part of the public highway and that the Owner shall be at liberty to erect and maintain notices visible to persons using such areas pursuant to Section 31(3) of the Highways Act 1980 so as to effectively negative any intention on the part of the Owner to dedicate such areas and to deposit with the Council a map statement and such statutory declarations as it shall in its discretion consider necessary pursuant to Section 31(6) of the Highways Act 1980 so as to further negative any such intention

3.4 not to Implement the Planning Permission unless and until vacant possession is obtained in respect of those parts of the Property which are subject to:-

3.4.1 a lease dated 27<sup>th</sup> January 1994 and made between the Lessee and Campden Hill Lawn Tennis Club ("the Club")

3.4.2 an agreement for a lease dated 25<sup>th</sup> September 1998 and made between the Lessee and the Club

#### 4. FURTHER TERMS

4.1 The covenants in this Deed shall be treated and registered:-

(a) as local land charges for the purposes of the Local Land Charges Act 1975 and

*(Handwritten marks: a circled 'A' and a circled '751')*

**FURTHER TERMS**

4.1 The covenants in this Deed shall be treated and registered:-

- (a) as local land charges for the purposes of the Local Land Charges Act 1975 and
- (b) in the Charges Register of the registered titles of the Owner(s) at H M Land Registry

4.2 Any notice to be served on and any payment (by cheque made payable to the Royal Borough of Kensington and Chelsea) shall be served on or delivered to the Executive Director at the Town Hall aforesaid

**THE SCHEDULE**  
**DESCRIPTION OF THE DEVELOPMENT**

Redevelopment to provide nineteen (19) houses and forty eight (48) apartments plus twelve (12) tennis courts (six in lower level and six open courts) plus a practice court basement car parking new access points for pedestrians and vehicles and landscaping

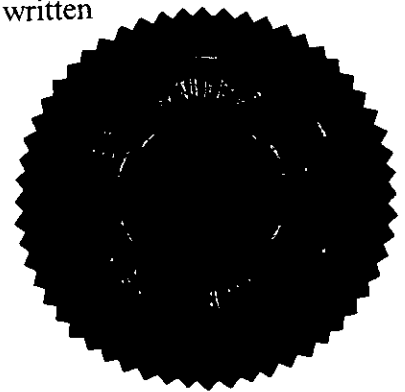
IN WITNESS of which this Deed has been executed on the first date before written

The COMMON SEAL of KENNET  
PROPERTIES LIMITED was hereunto  
affixed in the presence of:-

)  
)  
)

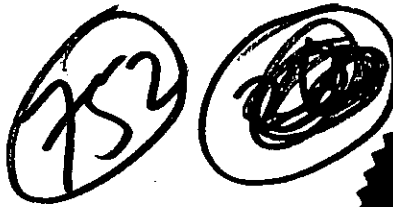
*(Handwritten signature: R. Bennett)*  
Director

*(Handwritten signature: E. C. Clegg)*  
Director/Secretary

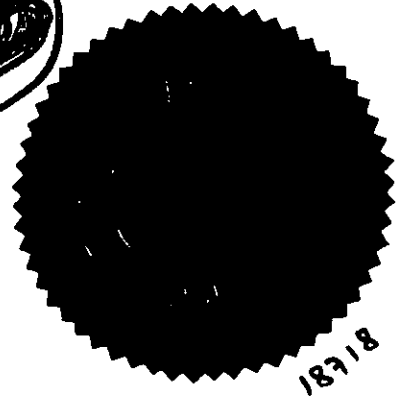


The COMMON SEAL of THAMES  
WATER UTILITIES LIMITED was  
hereunto affixed in the presence of:-

)  
)  
)



Authorised Signatory



DT File PP/99/0733

**PLANNING AND CONSERVATION**

THE TOWN HALL HORNTON STREET LONDON W8 7NX

**THE ROYAL  
BOROUGH OF**

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

733 500



Mrs. Julie Atkins,  
107 Kensington Church Street,  
LONDON, W8 7LN.

Switchboard: 0171-937 5464  
Extension: 2944  
Direct Line: 0171-361-2944  
Facsimile: 0171-361-3463

**KENSINGTON  
AND CHELSEA**

11 November 1999

My reference: EDPC/MJF

Your reference:

Please ask for: Mr. French

Dear Mrs. Atkins,

**Campden Hill Reservoir Site**

Councillor David Campion has asked me to thank you for your letter of 10 November regarding the recent appeal decision at the above site.

The Council, like a number of residents, is extremely disappointed by the appeal decision, and is currently in discussion with Counsel regarding possible grounds for challenging the decision in the High Court. No decision on this has yet been taken, but I will inform you once the matter has been resolved.

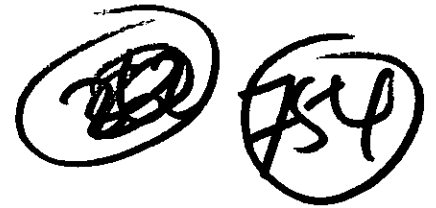
Yours sincerely,

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

c.c. Councillor David Campion,  
Chairman - Planning and Conservation Committee.



**Garry Atkins**  
Specialist in Early English  
and Continental Pottery



107 Kensington Church Street  
London W8 7LN

Telephone 0171 727 8737  
Fax 0171 792 9010  
e mail [garry.atkins@englishpottery.com](mailto:garry.atkins@englishpottery.com)  
web site [www.englishpottery.com](http://www.englishpottery.com)

10<sup>th</sup> November 1999

Councillor David Champion  
Planning Committee Chairman  
The Town Hall  
Hornton Street  
London W8 7NX

Dear Mr. Champion

Re: Thames Water Site, Camden Hill Road

I, and I am sure many other people, was dismayed to read that the Inspectorate had decided not to stop, or even to alter the plans for the development of the Thames Water Site and the tennis courts. The proposed buildings are so close together and so high that they will inevitably detract from the existing open feeling of the area aswell as our air, light and sun and will diminish the charm of the little [by comparison] houses in Aubrey Walk. I feel that it was a very strange decision by the Inspectorate in view of our Planning Council's decision to refuse permission and in view of the strong and not unreasonable protests by the residents in the area.

No doubt there is nothing else that I can do to help now and we can only hope that the careful review now being carried out by the Council's Legal Staff will reveal that some aspect of the Inspectorate's decision can be brought to the fore. In any event surely the height of the proposed buildings can be reduced by one storey?

Yours sincerely

  
Julie Atkins

DT  
PLANNING AND CONSERVATION

THE TOWN HALL HORNTON STREET LONDON W8 7NX

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

ASS  
THE ROYAL  
BOROUGH OF



KENSINGTON  
AND CHELSEA

Mr. G. A. Gluck,  
Kensington Heights Residents' Association,  
Kensington Heights,  
91/95 Campden Hill Road,  
LONDON, W8 7BD.

Switchboard: 0171-937-5464  
Extension: 2944  
Direct Line: 0171-361-2944  
Facsimile: 0171-361-3463

26 November 1999

My reference: EDPC/MJF

Your reference:

Please ask for: Mr. French

Dear Mr. Gluck,

**Thames Water Site, Campden Hill**

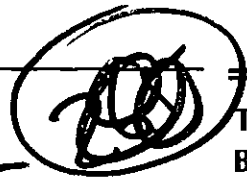
Thank you for your letter of 25 November regarding the above site. The Council has now sought leave to appeal the decision in the High Court on a point of law and whilst, it will, I think, be some time before we are given a Court date, I am certain that the Council's case does have merit.

Yours sincerely,

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



DT

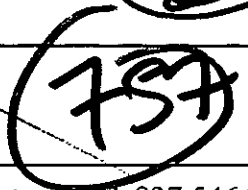


**PLANNING AND CONSERVATION**

THE TOWN HALL HORNTON STREET LONDON W8 7NX

THE ROYAL  
BOROUGH OF

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS



Mr. Anthony Land,  
Chairman,  
Campden Hill Residents' Association,  
32 Holland Park Avenue,  
LONDON, W11 3QU.

Switchboard: 0171-937-5464  
Extension: 2944  
Direct Line: 0171-361-2944  
Facsimile: 0171-361-3463



**KENSINGTON  
AND CHELSEA**

25 November 1999

My reference: EDPC/MJF/PP/  
99/0733

Your reference:

Please ask for: Mr. French

Dear Mr. Land,

**Thames Water Reservoir Site, Campden Hill**

I write to confirm our telephone conversation of 23 November advising you that the Council has now lodged an appeal in the High Court. This appeal, on a point of law, is against the decision of the Planning Inspector allowing the redevelopment of the above site for residential purposes.

It may be some time before a Court date is set, but I will inform you once this is known.

Yours sincerely,

Yours sincerely,

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

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

~~758~~

Campden Hill

Please reply to

Residents' Association

32 Holland Park Avenue  
London W11 3QU

758

November 19 1999

Dear David

Thames Water

I was very pleased, along with George Gluck of Kensington Heights Association and Harish Watson of the Aubrey Walk Action Group, to have the chance to meet Michael French on Wednesday this week. Thank you for arranging this.

We were, of course, interested to hear that, even though the advice from the Council's Q.C. had not at that time been received in writing, the indications were that it would identify two grounds on which an application for judicial review could be based. On behalf of the three residents' associations represented at the meeting, I have been asked to urge the Council to take this course and now do so. Such action by the Council would clearly be consistent with the unanimous decision of the Planning Committee under your Chairmanship to reject the application by St James' Homes in June and the strong case made by the Council at the inquiry in July.

I now understand from one of the residents in Aubrey Walk that there may in fact be four, not two, grounds for taking the matter further. You will know better than I if this is correct. If there are four, that can only strengthen our belief that the Council should act in support of its own unanimous decision. Either way we believe it should and you will have our strong support in doing so.

*Handwritten signature*  
23/11/99

Cllor David Campion

*Handwritten signature*  
Sincerely

Anthony Land  
Chairman

w. 420-5225  
h. 221 9005

cc Cllors Buckmaster, Freeman, Ahern

Michael French

RECEIVED BY PLANNING SERVICES									
EX DIR	HDC	N	C	SW	SE	ENF	AO ACK		
23 NOV 1999							758		
APPS	IO	REC	ARB	FWD PLN	CON DES	FES			

12 PITT STREET  
LONDON W8 4NY

Tel: 0171-937 1888  
Fax: 0171-937 5567

~~268~~

759

15 April 1999

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

GRY

RECEIVED BY PLANNING SERVICES							
EX	HBC	N	C	SW	SE	ENF	AG ACK
19 APR 1999							(53)
OFFERS	IO	REC	ARB	FWD PLN	CON DES	FEES	

Dear Mr French

**THAMES WATER**

I think it must be a matter of some regret that the view has been formed that the fresh designs from St James Properties do not constitute a fundamental departure from the original application. In terms of design, massing and, to a lesser extent, layout, they are fundamentally different.

Mr Sellwood told me that they are very keen to avoid the new PPG3 being in force when the public enquiry is being held. The decision not to require a new application will of course, as you are aware, materially help the developer's case.

Yours sincerely

Robert J Freeman

cc: Councillor Christopher Buckmaster  
Councillor David Campion  
Alun Phillips

**PLANNING AND CONSERVATION**

THE TOWN HALL HORNTON STREET LONDON W8 7NX

Executive Director M J FRENCH FRICS TP MRTPI Cert TS

708  
760

**THE ROYAL  
BOROUGH OF**



**KENSINGTON  
AND CHELSEA**

MRS R M DOBIE  
51 KENSINGTON HEIGHTS  
CAMPDEN HILL ROAD  
LONDON W8

Switchboard: 0171 937 5464  
Extension: 2079/2080  
Direct Line: 0171 361 2079/  
2080  
Facsimile: 0171 361 3463

Date: 16/04/99  
Please ask for:

My reference:

Your reference:

DPS/DCC/PP/99/00733/DT

Planning Information Office

Dear Sir/Madam,

TOWN AND COUNTRY PLANNING ACT, 1990

The Council has received a planning application for development at:

FORMER THAMES WATER RESERVOIR AND WATER TOWER HOUSE, 97 CAMPDEN HILL ROAD, W.8

Brief details of the proposed development are set out below. Members of the public may inspect copies of the application, the plans and any other documents submitted with it. The Council's Planning Services Committee, in considering the proposal, welcomes comments either for or against the scheme. Anyone who wishes to make representations about the application should write to the Council at the above address within 21 days of the date of this letter. Unfortunately, the Council does not have the resources to advise objectors of the Committee date, and you should telephone for further information.

PROPOSAL FOR WHICH PERMISSION IS SOUGHT :

Redevelopment to provide nineteen houses and forty-three apartments plus twelve tennis courts (six in lower level and six open courts), a practise court, basement car parking, new access points for pedestrians and vehicles and landscaping (Duplicate of existing revised application).

APPLICANT : Selwood Planning, Highgate House, Bambers Green, Takeley, Bishop Stortford, Herts. CM22 6PE

Yours faithfully,

M.J. FRENCH

Executive Director, Planning and Conservation

PLEASE NOTE : Applications for districts W.10, W.11 and W2 in the NORTH of the Borough can be seen at: THE INFORMATION CENTRE, NORTH KENSINGTON LIBRARY, 108 LADBROKE GROVE, W.11 (0171 727 6583) and NOT at the location stated overleaf.



## **WHAT MATTERS CAN BE TAKEN INTO ACCOUNT**

When dealing with a planning application the Council has to consider the policies of the Borough Plan, known as the Unitary Development Plan, and any other material considerations. The most common of these include (not necessarily in order of importance):

- \* The scale and appearance of the proposal and impact upon the surrounding area or adjoining neighbours;
- \* Effect upon the character or appearance of a Conservation Area;
- \* Effect upon the special historic interest of a Listed Building, or its setting;
- \* Effect upon traffic, access, and parking;
- \* Amenity issues such as loss of Sunlight or daylight, Overlooking and loss of privacy, Noise and disturbance resulting from a use, Hours of operation

## **WHAT MATTERS CANNOT BE TAKEN INTO ACCOUNT**

Often people may wish to object on grounds that, unfortunately, **cannot** be taken into account because they are not controlled by Planning Legislation. These include (again not in any order of importance):

- \* Loss of property value;
- \* Private issues between neighbours such as land covenants, party walls, land and boundary disputes, damage to property;
- \* Problems associated with construction such as noise, dust, or vehicles (If you experience these problems Environmental Services have some control and you should contact them direct)
- \* Smells (Also covered by Environmental Services)
- \* Competition between firms;
- \* Structural and fire precaution concerns; (These are Building Control matters)

## **WHAT HAPPENS TO YOUR LETTER**

Planning applications where objections have been received are presented to the Planning Services Committee which is made up of elected Ward Councillors. Planning Officers write a report to the Committee with a recommendation as to whether the application should be granted or refused. Letters received are summarised in the report, and copies can be seen by Councillors and members of the public including the applicant. The Councillors make the decisions and are not bound by the Planning Officer's recommendation. All meetings of the Committee are open to the public.

**If you would like further information, about the application itself or when it is likely to be decided, please contact the Planning Department on the telephone number overleaf.**

## **WHERE TO SEE THE PLANS**

Details of the application can be seen at the **Planning Information Office, 3rd floor, Town Hall, Hornton Street W.8**. It is open from 9am to 4.45pm Mondays to Thursdays (4pm Fridays). A Planning Officer will always be there to assist you.

In addition, copies of applications in the **Chelsea Area (SW1, SW3, SW10)** can be seen at **The Information Office, Chelsea Old Town Hall, Kings Road SW3 (0171-352 1856)**, for the **Central Area (W8, W14, SW5, SW7)** can be viewed in the **Central Library, Hornton Street, W8** and applications for districts **W10, W11 and W2** in the **North** of the Borough can be seen at **The Information and Aid Centre, Ladbroke Grove, W10** (under the Westway near Ladbroke Grove Station **0181-969-2433**). Please telephone to check the opening times of these offices.

If you are unable to come to the Office due to illness or disability, it may be possible for an Officer to come to your home with the plans. Please contact the Planning Department and ask to speak to the Case Officer for the application.

**PLEASE QUOTE THE APPLICATION REFERENCE NUMBER ON YOUR REPLY**



# Measured statistics - Reservoirs

• How much closer is the CHR block to

(a) Kensington Heights? — 2.3m

(b) CH Road? — 4.9m

• Drawings 107A and 111A — What 3<sup>rd</sup> floor set back?

(a) 107A — 2.4m

(b) 111A — 2.4m

• East Terrace

Garden width — 8m

Garden depth — 6m (at their longest)  
4.5m (at the shortest in front of bays)

• West Terrace

Garden width — 8m

Garden depth — 8m (7.5 in front of bays)

• Height of Thorpe Lodge — 44.75 (but scales at 42?)

• Distance to nearest point of South Terrace — 25.5m (between main facades)

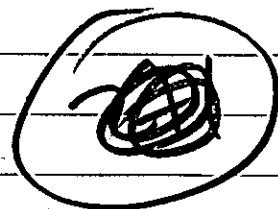
• To site boundary — 13.6m



762

Steve

713



Camden Hill

A slight problem in terms of timing here  
— I'm off next week, you're off the following 3!

The applicants want to keep momentum on this  
— fair enough seeing as the inquiry looks like it could be in July! — and want a meeting to talk about various issues in two weeks time.....

Can you meet with the architect next week, to move the design side forward, so that they can produce some more advanced plans for the following week that I can show to Mike French?

Derek

Derek

Already taken care of. I met Jerry Binmore on Monday & he is working up the plans. I explained that we need more detail before we take them to Mike French. He said the developers were happy to go down a more contemporary route but at some point they may ask for some backing from us. Steve  
(Still nervous about residents reaction).