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5.1.13 Given that the appeal proposal retains the level of recreational provision, the "balance" at the heart of this case must be between the loss of some degree of 'openness' when the eastern reservoir is demolished to be replaced by housing and the desire to maximise the residential potential of the Borough. In my opinion, this analysis of national guidance leads me to the conclusion that the balancing exercise advocated by PPG17 comes down firmly on the side of permitting this appeal.

5.2.0 **Regional Guidance**

5.2.1 RPG3 acknowledges the importance of the open environment to the quality of life in London. As a consequence of it's regional perspective, the Guidance concentrates on those parts of the open environment which are of more than Borough significance, such as Green Belt, Metropolitan Open Land, Green Chains and longer distance walking routes.

5.2.2 The RPG also notes that there are many open spaces of less than Borough significance and it echoes PPG17 in stating that; (para. 7.17)

- (a) planning for the provision of local open space is a matter for each Borough
- (b) the UDP should contain proposals for local space
- (c) the UDP should identify areas of deficiency
- (d) Boroughs should draw up their own standards for open space provision

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5.3.0 The 1992 Open Space Survey

5.3.1 The Kensington & Chelsea UDP commenced its preparation in 1990 was the subject of a UDP Inquiry in 1993 and was adopted in August 1995. One of the documents which informed the preparation of the UDP was the "Open Space Survey" which dates from October 1992 (Appendix 25). Since this is the source of many of the third party claims about the open land status of the appeal site, it is appropriate to consider its status and provisions prior to analysing the content of the adopted UDP.

5.3.2 The Open Space Survey was not given wide public circulation at the time of its publication and it was not the subject of a public consultation exercise. This has been confirmed by the Borough Council in its letter of the 8<sup>th</sup> June 1999 (Appendix 19). Having checked with Thames Water as landowners of the site, there is no record of the company being contacted by the Borough Council about the Open Space Survey or being given the opportunity to make representations on the accuracy of the survey descriptions applying to the appeal site.

5.3.3 As a consequence of the above, the survey cannot be regarded as Supplementary Planning Guidance in terms of the advice in paragraphs 3.18 and 3.19 of PPG12 and paragraphs 6.1 to 6.4 of the draft revisions to PPG12 published in February 1999. The latter document states;

"The weight accorded to it (the SPG) will increase if it has been prepared in consultation with the general public, businesses and other interested parties and has been the subject of a Council resolution to adopt it as supplementary guidance. On adoption, a statement of the consultation undertaken, the representations received and the local authorities response to the

1493

representations should be included with the SPG". (draft PPG12, para. 6.2)

5.3.4 The Borough Council itself has never sought to give the Open Spaces Survey the status of SPG. The deposit UDP did not refer to the survey in either it's upper case policies or the supporting text and the two references to it in the adopted plan (paras. 2.4 and 3.1) were only inserted at the request of the UDP Inspector (Appendix 22) to illustrate general findings about the levels of open space in the Borough.

5.3.5 Having checked the Open Space section of the UDP Inspector's report there are no recorded site specific objections based on the open space survey contained in the UDP Inspector's Report. In view of this, it is evident that the precise provisions and site specific categorisations of the survey have never been the subject of challenge and scrutiny before an independent Inspector. For this reason, they cannot carry great weight in the determination of this appeal. However, for completeness I deal with the contents of the document below.

5.3.6 Although the document is titled "Open Space Survey", this is misleading since the heading to the first page is "Methodology for Open Space & Recreation Space Data Base Survey". Paragraph 2.3.1 confirms that the document encompasses amenity areas, outdoor sport, outdoor play space and indoor sports facilities such as swimming pools, squash courts and sports centres. Whilst in many cases open space and recreational space are synonymous, the lack of clear differentiation in this survey and subsequently in the UDP itself has led to some confusion about the role of the appeal site.

5.3.7 However, paragraph 2.3.1 defines "open space" as;

1494

“Open Space is defined as all open land with the exception of individual private gardens and yards, roads and car parks, and vacant land.”

5.3.8 This is an important definition in terms of the appeal site and again raises the fact that this site falls outside normal categorisation. On one hand it must be the case that the existence of two elevated brick reservoirs on the site makes it difficult to describe as ‘open land’. Whilst it would normally be correct to consider recreational space on the top of a structure as falling outside the scope of ‘open space’, cases do exist such as Cavendish Square where an apparently natural open space sits on the top of an underground car park. However, the appeal site does not fall into the same category as Cavendish Square since the recreational space is elevated some three to four metres above the surrounding ground level. On this basis I consider that the appeal site has very limited grounds for being regarded as ‘open land’ within the terms of the definition in the Open Space Survey. Obviously, the site is correctly categorised as recreational space, but I have already explained elsewhere in my evidence how the level of recreational facilities will be retained as part of the redevelopment proposals.

5.3.9 Prior to considering the survey results as they apply to the appeal site, it is also necessary to consider the approach of the survey to the issue of open spaces. Paragraph 2.32 explains that three types of public access have been defined. These are “public, private and limited”. Importantly, the document states;

“They refer only to accessibility and should not be confused with ownership” (para. 2.3.2).

5.3.10 The three categories are defined as;

- “(i) Public – refers to land where general members of the public can gain entry without unreasonable hindrance.
- (ii) Private – land which cannot normally be accessed by general members of the public.
- (iii) Limited – land which is in dual public/private use such as school playing fields, or where it is too unclear to decide whether a space is public or private” (para. 2.3.2).

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5.3.11 The survey noted that it was inevitable that there were some sites which fell into “grey areas”. One such grey area was described as the “hindrances to access”. Paragraph 2.3.2 noted the following;

“Hindrances can be in various forms: physical (e.g. a traffic island without a safe crossing point) would be classified as “private”, time based (e.g. a site open to the public 2 weeks of each year would be “private”), legal, monetary cost, membership of an organisation”.

5.3.12 Campden Hill Tennis Club is a private club where general members of the public cannot gain access without either becoming a Member or being accompanied by a Member. On the basis of the above definition, this represents sufficient of a “hindrance” for the tennis club to be described as private space. However, there are two separate listings in the survey which apply to the appeal site (see Appendix 25)

- (a) the tennis courts are listed as site 135. The space is defined as 7,845m<sup>2</sup> of publicly accessible open space used as outdoor tennis courts.
- (b) the embankment around the reservoirs was listed as site 244. This area is defined as 3,312m<sup>2</sup> of incidental amenity areas

1496

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with no public access. From reference to the plan, this appears to comprise both the western and southern embankments as well as the access way from Aubrey Walk which serves both the Pump House and provides maintenance access to the rear of the reservoirs.

5.3.13 It is the reference to the tennis courts being "publicly accessible" which has been taken by some as meaning "public open space". In reality, the tennis courts cannot be public open space because they are not in public use, the public has no general rights of access and the Tennis Club itself only has a six month security of tenure from Thames Water.

5.3.14 The Survey also sought to identify areas of deficiency. Paragraph 5.2.1 acknowledges that the Borough has no opportunity to create any new district park (20h), metropolitan park (60) or regional park (400h). In view of this, the survey decided to concentrate on supply at the local level. As a consequence, areas were defined as deficient if they were more than 400 metres from a publicly accessible space above 1000m<sup>2</sup>. A copy of the plan showing the deficiency boundary is attached to Appendix 25. This discloses that the tennis court area is not in an area of deficiency whereas the former Pump House and Water Tower House is.

5.3.15 Since the boundary line defining a distance of 400m from a publicly accessible open space of 1000m<sup>2</sup> (or above) runs up the western side of Hillsleigh Road, along the eastern side of the eastern reservoir through the appeal site and down the southern side of Airlie Gardens, it is self evident that the tennis courts were not regarded as publicly accessible for the purposes of the deficiency analysis. If they had, there would have been no area of deficiency within 400 metres of the appeal site. This further confirms my view that not only are the tennis courts

not public open space but it was never the intention of the Borough Council to give them that status.

5.3.16 I have spent some time dealing with the approach, status and conclusions of the open space survey since it's provisions have been given great weight by many third parties. However, it is clear that the document on which they rely is flawed in it's logic, does not have the status of supplementary Planning Guidance and can be given little weight in the determination of this appeal.

#### 5.4.0 The Kensington & Chelsea UDP

5.4.1 In the previous subsection of my evidence I referred to the confusion between open space and recreational space in the 1992 Open Space Survey. Aspects of this confusion are also evident in the adopted UDP.

5.4.2 This confusion is not assisted by the decision of the Borough Council to depart from the advice in PPG17 and RPG3 in terms of it's approach to open space. As a consequence, the UDP Proposals Map only shows Metropolitan Open Land and Areas of Metropolitan Importance. Areas of important public open space, private open space or urban open space are not shown. The UDP Proposals Map also does not show areas of open space deficiency. In combination, this makes it difficult to apply the development control tests in PPG17 in the context of the UDP.

5.4.3 However, since the Appellants accept that part of the appeal site is correctly regarded as recreational space I propose to deal with the recreation policies first (LR1 to LR6). I will then turn to the open space policies.

5.4.4 Policy LR1 states;

“TO RESIST THE LOSS OF PLAYING FIELDS, PITCHES AND OTHER SPORTS AND RECREATIONAL PROVISION”.

148

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- 5.4.5 The supporting text clarifies that this policy is essentially concerned with the quantum of recreational provision by stating;

“Exceptions to this policy will only be justified if leisure and recreational needs are met by other similar provision nearby.”

- 5.4.6 In the case of the appeal site there are twelve tennis courts plus a practice court at present. If this application is permitted, the completed scheme will retain twelve tennis courts and one practice court. Thus the quantum of recreational provision is maintained. The “exceptions” caveat in paragraph 2.5 does not apply since the new provision is entirely on site. In view of this, the appeal proposal fully accords with Policy LR1.

- 5.4.7 My analysis is also supported by the planning officers report to Committee (Appendix 18). With regard to Policy LR1 the report states;

“However, the proposal does not include any reduction in either the size range, or quantity 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 (para. 4.28).”

- 5.4.8 Policy LR2 states;



1499

“TO ENCOURAGE THE PROVISION OF ADDITIONAL SPORTS AND RECREATIONAL FACILITIES”.

5.4.9 Whilst the proposed development will not increase the number of tennis courts on the site, there are additional facilities in the sense that six indoor courts will be provided where none exist at present. This will not alter the peak recreational capacity of the site, but it will give Club Members the opportunity to play in the evenings and during the winter when the use of open courts is less feasible. Thus a new form of recreational facility is being created on site in accordance with policy LR2. This also appears to be accepted in the report to Committee where it is stated that the appeal proposals must be seen as a “significant enhancement of the tennis facilities on site” (Appendix 18, para. 4.28).

5.4.10 Policy LR3 states;

“TO SEEK THE PROVISION OF SPORTS AND RECREATIONAL FACILITIES IN ASSOCIATION WITH DEVELOPMENT PROPOSALS WHERE APPROPRIATE”.

5.4.11 In that new replacement facilities are being provided in association with development, the requirements of Policy LR3 are met.

5.4.12 Policy LR4 states;

“TO REQUIRE THAT, WHERE APPROPRIATE, NEW SPORTS AND RECREATION PROVISION BE DESIGNED TO ENABLE MULTIPLE AND/OR SHARED USE”.

5.4.13 The Campden Hill Lawn Tennis Club already makes the tennis facilities available to some local schools. It is intended to extend this

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availability following the completion of the development since the indoor courts will allow greater flexibility of use. This is in addition to the ability of members of the public to apply to join the tennis club (subject to a test of playing competence). Thus, practical shared use in accordance with Policy LR4 will occur.

5.4.14 Policy LR5 states;

“TO ENCOURAGE PUBLIC ACCESS TO ALL NEW SPORTS AND RECREATIONAL FACILITIES”.

5.4.15 Since the Campden Hill Lawn Tennis Club is a private club it would not be appropriate to offer unrestricted public access. However, any member of the public can apply to become a member subject to the “playing in” test.

5.4.16 Policy LR6 states;

“TO ENCOURAGE THE FULL AND EFFECTIVE USE OF ALL EXISTING SPORTS AND RECREATIONAL PROVISION, INCLUDING THE SHARED USE OF EXISTING SCHOOL FACILITIES.”

5.4.17 The latter part of the policy does not apply to the appeal proposal. With regard to the first part of the policy, the creation of six indoor courts will allow a more full and effective use of this recreational resource.

5.4.18 Drawing the preceding elements of my evidence together;

(a) the Appellants accept that part of the site is recreational space

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- (b) policies LR1 to LR6 are the only policies in the UDP dealing specifically with recreational space
- (c) the appeal proposals accord with all six "LR" policies in all material respects
- (d) as a consequence of (a) to (c) above there is no case to dismiss the appeal on the grounds of a loss of recreational space. This conclusion appears to be accepted by Borough Council officers in the report to Committee (Appendix 18, para 4.28).

5.4.19 The only other Policy in the Leisure and Recreation Chapter of the UDP which requires consideration is LR7. This states

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

5.4.20 Whereas Policies LR1 to LR6 simply concentrate on recreational space, LR7 is directed towards "open space" which meets leisure and recreational needs. This clearly raises the issue of whether the tennis courts can be regarded as being "open space" rather than recreational space which I have already dealt with in subsection 5.3.0. If by "open space" the policy is referring to open and undeveloped land, it cannot apply to a site which is occupied by elevated brick structures. Some support for this interpretation of the policy can be obtained from the UDP Glossary (Appendix 22) and the supporting text to Policy LR7 (paragraph 3.2). This states;

"The Council and the Government attach great importance to the retention of accessible recreational open spaces in urban areas, where demand is concentrated. It is important that people, particularly children, the elderly and people with

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physical disabilities and/or sensory impairment, have access to open space where they live. Once built upon, an open space is likely to be lost to the community for ever. (my underlining).

5.4.21 Further credence that LR7 only applies to undeveloped open space can be found in the definition of "open space" in the UDP Glossary (P.276). This definition starts as follows;

"All open land with the exception of individual private gardens and yards, roads, car parks and vacant land". There are three categories : 'public open space' to which the general public has access, 'communal or private open space' to which access is limited to a specific ground and 'non accessible open space' such as embankments, traffic islands, verges and landscaping"...

5.4.22 Given that it is difficult to perceive how the roof of a pair of elevated brick reservoirs can be construed as open land, it is my conclusion that policy LR7 does not apply to the appeal proposal other than to the limited extent that the embankments on the sides of the reservoirs would be viewed as "non accessible open space".

5.4.23 Even if it was decided that Policy LR7 did not apply to the roof of the reservoirs, the actual loss of "open space" would only be modest. The tennis courts are the only part of the appeal site which meet a leisure and recreational need and they occupy an area of 8,763m<sup>2</sup>. In addition the embankments occupy an area of 3,118m<sup>2</sup>. Whilst the total area occupied by tennis courts will be similar following the development, the six open tennis courts will then occupy an area of 4,077m<sup>2</sup>. This represents a loss of open tennis courts of 4,686m<sup>2</sup> although when the same area of underground recreation space is included (4,077m<sup>2</sup>) the total amount of recreational space is only 609m<sup>2</sup> less than exists at present (6.9%). Turning to the largely non accessible "green"

embankments these will be reduced from 3,118m<sup>2</sup> at present to 1,488m<sup>2</sup> a reduction of 1630m<sup>2</sup>. However, this will be counterbalanced by the creation of a landscaped square of 938m<sup>2</sup> which will be accessible to the public which forms the largest part of the 1283m<sup>2</sup> which is publicly accessible.

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5.4.24 If my interpretation of LR7 is not accepted, a balance will have to be drawn. On one hand there is the acknowledged need for more housing in Kensington & Chelsea. On the other, the development will result in the loss of 609m<sup>2</sup> of recreational floorspace (but no courts are lost) and 1630m<sup>2</sup> of largely "non accessible" "green" embankment. However, this will be counterbalanced by the 'gain' of 1283m<sup>2</sup> of publicly accessible space which includes 938m<sup>2</sup> of the new landscaped square which will be fully accessible to the public. In my opinion, the creation of truly publicly accessible space on this site for the first time will more than offset the small overall net loss of largely non accessible and recreational space.

5.4.25 Reference to the Committee (Appendix 18) report suggests that the Borough Council officers concur with my view that the appeal proposal is not in conflict with LR7;

"This policy is directed at protecting open spaces that provide a leisure and recreation function. The tennis courts are being replaced, albeit 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 aim of this Policy" (para. 4.19).

5.4.26 The final policy dealing with open space issues is Policy CD21. Whereas Policy LR7 was a hybrid policy linking leisure and recreational issues with open space, CD21 considers the urban design and townscape role of open space. The Policy states,

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“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”.

5.4.27 In the section of my evidence dealing with the Open Space Survey, I analysed the various characteristics of open space and concluded that if the recreational aspects were put to one side, the site;

- (a) was not undeveloped land
- (b) had no nature conservation value
- (c) was (with the exception of the embankments) not a natural “green space”
- (d) it’s sense of openness was limited by the four metre height of the reservoir.

5.4.28 In my view the only possible perception of openness derives from the embankments to the reservoirs and the fact that whilst they are elevated by some three to four metres, the top of the reservoirs is still significantly lower than the housing on Aubrey Walk and Airlie Gardens and the flats at Water Tower House and Kensington Heights.

5.4.29 Dealing first with the embankments, the Aubrey Walk frontage combines a group of TPO’d trees, a single TPO’d tree next to the Club House and a series of gates, entrances, walls and buildings. Thus there is not a uniform “green” aspect to Aubrey Walk. Whilst the bank of self-sown trees by the Pump House will be removed, all the TPO’d

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trees will remain, new planting will take place in front of the Aubrey Walk apartments and a new landscaped square will be created at the level of Aubrey Walk. Thus whilst some landscaping will be lost, it will also be compensated for by new open spaces and landscaping.

5.4.30 The other two reservoir embankments which give a "green appearance" are to the south and the west. The western embankment next to Aubrey House will remain unchanged and the adjacent section of reservoir wall will be retained. On the southern embankment the views from the School and Airlie Gardens are of a wall which has mature trees both in front and behind the wall. Both the wall and the trees immediately outside the site will remain. There will, therefore, be some change although this boundary will still have a green aspect.

5.4.31 The final issue is that of open aspect. In my view this arises from the fact that the elevated reservoir is less high than most surrounding buildings. As a consequence of this, a viewer at street level gains greater views of the sky than is normally the case in the developed parts of Kensington & Chelsea. However, the fact that this developed site has only been developed to the height of a single storey building is no justification for retaining that building and preventing redevelopment.

5.5.0 Conclusion

5.5.1 Much of the confusion surrounding the status of this site arises from a failure to realise that it is a previously developed site which happens to contain a large brick building with tennis courts on the top. If this pragmatic and commonsense view is taken, it becomes much easier to analyse the actual role of the site.

5.5.2 My first conclusion is that the tennis courts are a recreational space and the appeal proposals completely address this by providing the same

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number of courts as exist today. The only difference is that they will be of a better quality and the indoor courts can be used at evenings and during bad weather. As a consequence, the proposals fully meet the Leisure and Recreation policies of the UDP. This is accepted by the officers in their report to Committee (Appendix 18, para 4.28).

5.5.3 In my opinion, the tennis courts are not an "open space" since this would conflict with the UDP glossary and a commonsense interpretation. Even if they were to be categorised as open space, a balance needs to be drawn between a loss of a small amount of floorspace on the only partially publicly accessible tennis courts (but no loss of courts) and some of the embankments and the creation of a new public square at the level of Aubrey Walk. It is also material that in terms of the development control test in PPG17, the reservoirs are not in an area of deficiency.

5.5.4 Finally, some third parties have argued that the site has a sense of "openness" and the embankments give a "green aspect". Whilst the scheme will result in some changes, the main change will be the removal of a large redundant brick reservoir and its replacement with a high quality residential scheme. This scheme will retain all the TPO'd trees on Aubrey Walk, and the whole of the western embankment whilst creating a new Kensington square.

5.5.5 Sections 4 and 5 of my evidence have sought to consider the two principal issues of relevance to this case; housing and recreation/open space. In my opinion, the redundancy of the former reservoirs combined with the compelling need for more housing in the Borough and the new recreational facilities arising from the proposal more than outweigh the arguments to retain the status quo.



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6.0.0      **AFFORDABLE HOUSING**

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6.1.0      **Introduction**

6.1.1      It is understood from the Council's Statement of Case that the issue between the Appellants and the Council relates solely to the "cascade mechanism" to provide either on site or built units off site. As a consequence, there is no disagreement between the parties that;

- (a)      the provision of affordable housing is a material consideration where appropriate development plan policies exist.
- (b)      that the appeal site is within the inner London threshold for the provision of affordable housing.
- (c)      that the provision of affordable housing will be secured by a S106 agreement and involve a registered Social Landlord.

6.1.2      Given this broad level of agreement, the remainder of this section of my evidence concentrates on the policy aspects of the provision of affordable housing which remain in dispute.

6.2.0      **National Guidance**

6.2.1      National guidance on the provision of affordable housing is provided in PPG3 and Circular 6/98 (Planning and Affordable Housing). PPG3 provides guidance on all the points which are not in contention but no advice on a cascade approach which gives priority to on site provision followed by an off site provision or a commuted sum.

6.2.2      With regard to the issue of securing affordable housing by means of a S106 agreement, the only guidance in the PPG concerns ensuring that the benefits of affordable housing are enjoyed by successive as well as

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initial occupiers of the property. Whilst the PPG states (para. 40) that the arrangements are a matter for local planning authorities, the PPG does indicate a preferred approach.

“Most commonly, the best way of ensuring that affordable housing will be enjoyed by successive as well as initial occupiers of property is by the involvement of a housing association or other social body (e.g. a trust) providing housing for rent or shared ownership: the body’s continuing interest in the property will ensure control over subsequent changes of ownership and occupation” (para. 4.3).

6.2.3 In the case of the appeal proposal, the proposed S106 agreement wholly accords with this approach since the on or off site houses will be under the control of a Housing Association nominated by the Council.

6.2.4 Circular 6/98 amplifies the advice in PPG3 and is of more relevance to this appeal. In general terms it states;

- (a) that any development plan policies should be based on a “clear and up to date assessment of local needs for affordable housing” (para.3).
- (b) where surveys demonstrate a need for affordable housing the development plan should contain a policy to seek an element of affordable housing on suitable sites. (para. 9[a])
- (c) in inner London the threshold of site size should be 15 units (para. 10[i])
- (d) in assessing the suitability of sites to accommodate an element of affordable housing consideration should be given to site size,

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suitability and economics of provision. This includes the proximity of services, whether there will be particular costs associated with the development of a site and whether the provision of affordable housing would prejudice the realisation of other planning objectives (para. 10[i]).

6.2.5 Turning to the mechanisms for securing affordable housing, paragraph 17 of the Circular states that any obligation should meet the tests in Circular 1/97. Financial viability of the scheme is also regarded as relevant;

“While arrangements should be legally binding and ensure that the housing is occupied as intended, they should also take account of the needs of developers and registered social landlords who must ensure that schemes are financially viable – including the need to raise development finance – and who may well need to operate within certain time limits.” (para. 17)

6.2.6 Notwithstanding the above, the Circular identified three possible outcomes;

- (a) the site is suitable for on site affordable housing and this is provided on site (para. 21)
- (b) the site is suitable for on site affordable housing but both the local planning authority and the developer conclude that off site provision would be preferable. (para. 22)
- (c) where a site is “inherently unsuitable” for affordable housing an off site provision would not be appropriate. (para. 22)

6.2.7 This general approach is reinforced in paragraph 24 as follows;

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“Where a local planning authority considers, having regard to the policy in this Circular, that certain sites are suitable for inclusion of an element of affordable housing and the applicant does not make such provision as part of the development, such a failure could justify the refusal of planning permission.”

6.2.8 In summarising the context provided by national planning guidance, it is clear that Circular 6/98 is considerably more relevant to this appeal than PPG3. In essence, it poses the following three questions which need to be considered in the next sub sections of this proof of evidence;

- (a) what is the policy context for the provision of affordable housing in the adopted UDP?
- (b) is this a suitable site for on site provision of affordable housing?
- (c) are there any viability issues which would justify off site provision?

6.2.9 Prior to moving on to consider the UDP, it is appropriate briefly to consider what the draft PPG3 says about affordable housing. In broad terms it closely repeats the advice in Circular 6/98. However, it does strengthen the expectation that wherever possible affordable housing should be on site. In particular the draft states;

“Where a local planning authority has decided, having regard to the criteria in paragraph 10 of DETR Circular 6/98 : “Planning and Affordable Housing” that an element of affordable housing should be provided in the development of a site, there is a presumption that the affordable housing should be provided as part of the proposed development. Failure to do so without

exceptional circumstances could justify the refusal of planning permission" (para.14).

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6.3.0 The Kensington & Chelsea UDP

6.3.1 The 1995 Kensington & Chelsea UDP contains the following three policies relating to the provision of affordable housing

"H21: TO WELCOME RESIDENTIAL OR MIXED USE SCHEME WITH A RESIDENTIAL ELEMENT WHERE A RANGE OF HOUSING IS TO BE PROVIDED INCLUDING AFFORDABLE HOUSING AND HOUSING FOR SPECIAL NEEDS"

"H22: TO SEEK WHERE APPROPRIATE THE INCLUSION AND RETENTION OF A SIGNIFICANT PROPORTION OF AFFORDABLE RESIDENTIAL UNITS ON RESIDENTIAL DEVELOPMENT SITES OF OVER 0.05 HECTARES (0.12 ACRES IN SIZE)."

"H23: TO SEEK THE PROVISION AND RETENTION OF AFFORDABLE HOUSING WHERE INDICATED IN THE SCHEDULE OF MAJOR SITES WITH DEVELOPMENT OPPRTUNITIES."

6.3.2 This "seek where appropriate" policy remains the statutory policy however in January 1999 the Council put an interim policy to Committee which forms part of the initial stages of the Alterations to the UDP. A copy of the report form Appendix 26 of my evidence. Paragraph 3.4 of the report critically assesses the wording of UDP policies H22 and H23 and concludes that;

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“...the UDP has devised (under instruction from the UDP Inspector) a strict hierarchy of wording included in the introductory chapter in which “to seek” is identified as an “encouraging” policy which in itself cannot provide a reason for refusal of planning permission. Consequently, the absence of any provision of affordable housing as part of a development on a suitable site when assessed against H22 and H23, could not in itself be grounds for withholding permission”.

6.3.3 In the light of Circular 6/98 the Committee report proposed the adoption of a sequential test as follows;

**“Sequential Test:** When a residential proposal (which is acceptable in principle) is affected by the Council’s affordable housing policy (i.e. the site is considered to have a suitable dwelling capacity), there are three ways that this requirement can be fulfilled:

- (a) provision of affordable housing on site (this is the strongly preferred option)
- (b) provision of affordable housing on an alternative sites supplied by the developer within the Borough
- (c) payment in lieu of affordable housing

When provision on site or on an alternative site is proposed, this can be done by the developer, Registered Social Landlord (RSL) or both. The preferred approach is considered to be the provision of affordable housing on site, contiguous with the facilitating private development. If it can be demonstrated by the developer that this is not possible (for example, because the proposal is the conversion of an existing building and joint



management cannot be arranged), an alternative site will be sought. If the alternative site route is followed, an amount equivalent to 33% of affordable housing on the "donor" site will be sought subject to further detailed assessment and compliance with planning policies. Finally it is only when this is also considered unachievable that an in lieu payment will be negotiated based on marked site value" (para. 5.2 and 5.3).

6.3.4 In April 1999 draft Alterations to the UDP were published for consultation. My Appendix 23 contains extracts from the document. The relevant paragraphs state;

"5.10c When a residential proposal (which is acceptable in principle) is affected by the Council's affordable housing policy (i.e. the site is considered to have a suitable dwelling capacity) a minimum proportion of one third of the housing should be affordable. There are three ways that this requirement can be fulfilled:

- (a) provision of affordable housing on site (this is the strongly preferred option); or
- (b) provision of affordable housing on an alternative site supplied by the developer within the Borough; or
- (c) payment to provide affordable housing elsewhere in the Borough.

5.10d. Where provision on-site or on an alternative site is proposed, this can be achieved by the developer, RSL or both. The preferred approach is the provision of affordable housing on-site, included within the facilitating private development. Where it can be demonstrated by the developer that this is not possible (for example because the proposal is a conversion of an existing building and joint management cannot be arranged),



an alternative site will be sought for the provision of affordable housing. If the alternative site route is followed, an amount equivalent to 33% of affordable housing on the "donor" site will be sought plus the equivalent amount which would have been provided on the "recipient" site, subject to further detailed assessment and compliance with planning policies. Finally, it is only where this is also considered unachievable that an in-lieu payment can secure affordable housing elsewhere in the Borough will be negotiated. The payment should reflect the high land values in the Borough and the cost of providing a significant amount of affordable housing.

H22 TO NEGOTIATE THE PROVISION AND RETENTION OF A SIGNIFICANT PROPORTION OF AFFORDABLE HOUSING ON SITES SUITABLE FOR RESIDENTIAL USE WITH A CAPACITY OF 15 DWELLINGS OR MORE.

H23 TO NEGOTIATE THE PROVISION AND RETENTION OF A SIGNIFICANT PROPORTION OF AFFORDABLE HOUSING WHERE INDICATED IN THE SCHEDULE OF MAJOR DEVELOPMENT SITES."

6.4.0 The Appeal Proposal

6.4.1 It should be recalled that discussions regarding the development of the appeal site have been proceeding with the Borough Council for over two years. In response to a request from Thames Water for guidance on the development of the appeal site, the Borough Council issued a letter on the 23<sup>rd</sup> January 1998 (see Appendix 5). In respect of Affordable Housing the letter stated;





“Affordable housing should be sought for a site of this size under UDP policy, but in this case I accept that the constrictions on the development of the site would dictate that provision of this on site would be extremely difficult to achieve. Therefore, a contribution to development located off site is likely to be acceptable in this case.”

6.4.2 Given that this letter was written in early 1998, the relevant policy basis was the 1995 UDP which remains the statutory development plan. Given this strong indication by officers, St James proceeded to draw up it's scheme for the site on the basis that no on site affordable housing would be required. Several meetings took place with officers prior to the submission of the original duplicate applications in November 1998 and no indications were given that there was any change in the views of officers.

6.4.3 At a meeting with officers (Appendix 6) on the 23<sup>rd</sup> December 1998 Derek Taylor confirmed that the view expressed in his letter of 23<sup>rd</sup> January 1998 remained current. Following that meeting I wrote to the Council on the 7<sup>th</sup> January 1999 confirming the willingness of St James to provide an off site contribution to affordable housing and suggesting that the S106 agreement could start to be worked up (Appendix 6).

6.4.4 A further meeting took place on the 19<sup>th</sup> January 1999 at Water Tower House with both Derek Taylor and Michael French (Executive Director of Planning & Conservation). During that meeting Derek Taylor advised that Council policy was now changing and the “strong preference” of Members was for on site Affordable Housing. This was followed up by a letter from the Council dated the 20<sup>th</sup> January 1999 (Appendix 8) which stated;

“At their meeting on the 11<sup>th</sup> January 1999 the Planning & Conservation Committee considered a paper on affordable



housing as part of a review of the Council's application of affordable housing policies in the light of Circular 6/98. Amongst it's recommendations, the report advised that the sequential test of (a) on site provision of affordable housing (b) provision on an alternative site provided by the developer in the Borough and (c) payment in lieu of affordable housing should be followed. The preferred option is the provision of affordable housing on site, contiguous with the facilitating development.

Whilst there is clearly some flexibility allowed in terms of the exact amount and arrangement of affordable housing, I must advise that affordable housing should be provided on site as the first option for the reservoir site. Given the proposed site layout, the site of the present Water Tower House might be the most suitable for this. Before the "second option" could be considered, you will need to demonstrate a very good case why the "first option" cannot be met, at least in part".

6.4.5 I responded to this letter on the 15<sup>th</sup> February 1999 (Appendix 9). In my letter I expressed some surprise at the Council's change of view and referred to some of the problems such as the high level of service charges in an integrated scheme which might make it difficult for a Housing Association to participate. Notwithstanding this view, I concluded the letter by confirming that if a Housing Association is able to participate in on site affordable housing, this could be provided in the smaller block of apartments fronting on to Aubrey Walk.

6.4.6 Since the twelve apartments fronting on to Aubrey Walk were all proposed originally to be large private units, it was agreed with officers that the scheme should be amended to provide seventeen smaller units within the same building envelope. These amendments were submitted to the Council on the 21<sup>st</sup> April 1999 and have been accepted by the

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Council. These seventeen units would comprise 33% of the net residential gain on the site (Appendix 16) .

6.4.7

Following the submission of those amendments, discussions commenced with the Borough Council on the S106 agreement to secure affordable housing. Considerable thought was given to the most appropriate form of the S106 and it was concluded that it should replicate the "cascade" approach in the Borough Council's Committee Report of the 11<sup>th</sup> January 1999. The agreement therefore provides for the following;

- (a) the first preference is for the affordable housing to be provided on site. If on site, the number of affordable units would be 33% of the net gain.
- (b) if no Housing Association was able or willing to take up on site units (or if the Council decided it did not want on site units) the "second preference" would be triggered. This would entail St James acquiring built units elsewhere in Kensington & Chelsea and providing them to a nominated Housing Association at an agreed percentage of T.C.I. The number of off site dwellings provided under the "second preference" would be 22 units. This equates to 42% of the net gain of residential units on site. The units would be of a size and standard of accommodation previously agreed with the Housing Association.
- (c) If a Housing Association refused to accept off site units or if the Council expressed a preference for a commuted sum, the "third preference" would be a commuted sum.

6.4.8

In drawing up the S106 agreement St James Homes were anxious to place themselves at arms length from the decision whether the provision was on site, off site or a commuted sum. As a consequence,



it will be solely at the discretion of the Borough Council and it's nominated Housing Association how Affordable Housing is provided. The role of St James will be entirely reactive.

6.4.9 The reason why it is not possible to decide the nature of the provision now, is because of the nature of the scheme and uncertainty over service charges. As has been described elsewhere, the appeal scheme is designed as a single integrated entity, entirely built over a large basement area which has a single point of access and all car parking. This was agreed as an appropriate way forward at an early stage in discussions with officers since the underground car parking would remove almost all vehicle activity and parking from the ground floor level, thus enhancing the character and appearance of the conservation area.

6.4.10 In view of these factors it is not possible to isolate and 'ring fence' one part of the development. Whilst St James is content to have on site affordable housing, it is only reasonable that the nominated Housing Association should pay it's fair share of the service charges attributable to it's occupation. Again, being mindful of suggestions that it could manipulate the service charge, the S106 expressly contains an arbitration clause whereby the reasonableness of the types of service charges and their size can be settled by an independent expert.

6.4.11 The issue of service charges is dealt with in this way since it will not be possible to accurately assess the level of service charges prior to the appeal and the level of service charges acceptable to a Housing Association may vary depending which Association is nominated by the Council.

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## 6.5.0 Conclusions

- 6.5.1 Despite the relatively late change of stance by the Borough Council, the Appellants have no objection to the provision of 33% (net gain) on site affordable housing. However, it is only right and proper that the nominated Housing Association makes it's due contribution to service charges. To avoid suggestions that these are set at an unrealistic level, the S106 provides for the extent of service charges and their level to be determined by an independent expert.
- 6.5.2 The Council's Statement of Case asserts that on site affordable housing has not been secured by an appropriate planning obligation. This is simply not the case. An obligation is in place and it will guarantee on site provision unless the Housing Association concludes that the service charges (agreed as reasonable by an independent expert) make on site provision unviable. St James will have not part in this decision. If the service charges make the site unviable for affordable housing, St James will then acquire 22 built units (equivalent to 42% of the total net dwelling gain on-site) and transfer them to a Housing Association. Thus under either the first or second preference built affordable units will be provided in accordance with the Council's January Committee Report. The third preference of a commuted sum is inserted as a 'last resort' and is only provided to give the Council flexibility.
- 6.5.3 Drawing these points together, St James have gone to considerable lengths to accommodate the changing wishes of the Council. The resulting "cascade" or "sequential" approach in the S106 has the merit of being in accordance with Circular 6/98, the adopted UDP, the Council's most recent Committee report and the draft Alterations to the UDP. For these reasons the Council's proposed ground of refusal relating to affordable housing does not stand up to scrutiny.

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7.0.0 OTHER PLANNING ISSUES

7.1.0 Introduction

7.1.1 The preceding three sections of this proof have concentrated on the issues which are the main focus of my evidence. However, there are additional issues where the main evidence is given by other witnesses on behalf of the Appellants but there is some inter-relationship with my evidence. The purpose of this sub section is briefly to deal with these topic areas without reiterating the evidence of others

7.2.0 Conservation

7.2.1 The evidence of James Thomas considers the conservation issues arising from the appeal proposals in detail. My evidence, therefore, simply seeks to put the conservation area issue in the wider context of my discussions with officers of the Borough Council and English Heritage over the last year. However, I should emphasise that I entirely endorse his evidence that the scheme will enhance the conservation area.

7.2.2 Having read the Borough Council's Statement of Case, it is clear that there is now much common ground with the Appellants on many of the land use principles relating to this site. In particular, this includes the principle of redevelopment, the mix of uses and the acceptance that there is no recreational policy objection to the scheme. In view of this, the main area of dispute appears to concern the impact of individual elements of the scheme on the character and appearance of the conservation area. In view of the tone and nature of the discussions with planning officers over the last year, I find this a surprising position.



7.2.3 St James Homes and all it's advisors have been aware and remain aware that the site is within a conservation and Peter Crossley will give separate evidence on how conservation area considerations influenced the design of the scheme. In view of this, I would have anticipated any fundamental conservation area objections to have been clearly put to me at the initial meetings. The reality is, however, that no 'in principle' conservation area objections were made by Borough Council officers at any time.

7.2.4 It is correct that officers raised some detailed conservation area issues relating to the design of the Campden Hill and Aubrey Walk buildings, whether the Aubrey Walk building should be closer to Aubrey Walk and how the western terrace of town houses should turn the corner into Aubrey Walk. All of these points were successfully resolved with the officers and incorporated into the final scheme.

7.2.5 However, with regard to the particular conservation issues raised by the proposed reasons for refusal I can comment as follows;

- (a) whilst it was accepted that some of the open tennis courts would be lost, we were never requested to reduce the residential component of the scheme or increase the area of recreational space.
- (b) the height of all the buildings was discussed and agreed with officers
- (c) whilst the landscape design of the square was discussed and agreed, it was never suggested that the square was too small
- (d) although the issue of Thorpe Lodge was raised by English Heritage in its first letter, this concern was not mentioned in the second letter from English Heritage (Appendix 10). Borough



Council officers did not raise any concern about the impact on Thorpe Lodge or any of the other Listed Buildings adjoining this site.

7.2.6 On the basis of the above, I concluded that it was the settled view of the Borough Council officers that they accepted that this was a site where change is inevitable and contains some significant negative elements which detract from the character and appearance of the conservation area. Working together with the Council's officers I feel we have achieved a scheme which will enhance the character and appearance of the conservation area.

7.3.0 Transportation

7.3.1 I understand from the evidence of Mr Parry there is no general traffic or transportation objection to the appeal proposal. What the Council is claiming is that the winter usage of the indoor tennis courts will significantly reduce the level of amenity of those who live near the site.

7.3.2 Paragraph 4.102 of the 8<sup>th</sup> June 1999 committee Report (Appendix 14) notes that the club 'appears to exist quite harmoniously with its immediate surroundings...'. I understand that it is agreed with the Borough Council that the winter usage will be higher than the existing but lower than the current summer usage. Given that the summer usage is likely to be the more sensitive time in terms of the potential impact on amenity (due to windows being open, residents sitting in gardens etc.), I find it difficult to believe that a lower level of winter usage will "lead to a significant reduction in the levels of amenity presently enjoyed..."

7.3.3 This is an urban site which is embedded in the built up area of London. In this context I do not believe the limited increase in the winter usage



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of the tennis club could be regarded as having such an adverse impact that it should lead to the dismissal of these appeals

7.4.0 **The Tennis Club**

7.4.1 The Campden Hill Tennis Club has been established on the appeal site for over one hundred years. However, since the early 1990's the Club has existed on a six month renewable lease. The background to this is explained in the letter from Thames Water Property which forms my Appendix 3.

7.4.2 Some third party objectors have suggested that if the appeals were dismissed the Tennis Club would remain and the status quo would prevail. In reality, the situation is not so simple. Clearly, Thames Water would have to review its position regarding its relationship to the Tennis Club. In my opinion the most favourable outcome for the Tennis club would only be a continuation of the renewable six month lease. This is because the appeal site is redundant for its original purpose. Indeed, it is notable that in his presentation to Committee, the planning officer advised that because of the redundancy of the reservoirs "at some point in the future they will be demolished". This concurs with my view.

7.4.3 Both Thames Water and myself take the view that the retention of these large redundant brick structures would fail to realise the true residential potential of the site or enhance the Conservation Area. To this end Thames Water strongly support the identification of this site as a 'major development site' in the draft UDP Alterations and the Council's returns to the National Land Use Data Base. Given all of these favourable indications it would not be prudent for Thames Water to give the Tennis Club more than a six month renewable lease.

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7.4.4 From the point of view of the Tennis Club, a renewable six month lease gives no long term certainty or any sensible basis on which to invest in the club. For example, I would doubt that the next time the artificial playing surface needs renewing, the Tennis Club would feel confident enough to make the necessary expenditure of funds.

7.4.5 On this basis, the objectors desire to retain the status quo would represent no more than a slow decline in the quality of the tennis facility.

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8.0.0 Conclusions

8.1.1 Reference to the Committee report of the 8<sup>th</sup> June 1999 (Appendix 14) and the Council's subsequent Statement of Case confirms that on matters of principle there is very little difference between the principal parties. In particular;

- (a) the present reservoir use of the site is redundant (Committee Report paragraph 7.6).
- (b) in principle, housing is an acceptable land use for the site (4.38 & 7.6).
- (c) this site is identified as a major development site in the draft UDP Alterations.
- (d) a mix of housing, affordable housing, tennis courts and open space is proposed by the Council in the draft UDP Alterations.
- (e) the replacement tennis provision meets the requirements of LRI and RI (4.19 and 4.28).

8.1.2 I view of the above points of agreement, it is apparent the outstanding primary issues at this Inquiry are the precise mix and disposition of the uses and their impact on the character and appearance of the conservation area. These disagreements arise notwithstanding the decision of the Appellants to amend the scheme to reflect all substantive comments put forward by Borough Council officers.

8.1.3 Whilst James Thomas will be giving detailed evidence on the conservation area issues, it is relevant for me to comment on the 'open space' aspect of the case. In my opinion the divergence of opinion between the Appellants, the Council and the third parties arises from

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the unusual characteristics of the site. This is perhaps illustrated by the fact that two apparently conflicting but consistent statistics can be put forward in respect of this site. On one hand a calculation of "open space" (based on the tennis courts, the embankments and accessways) suggests that 89.2% of the site is "open". However, if the tennis courts are viewed as a building the "developed" area of the site (based on the reservoirs, Pump House, Water Tower House, 3/5/7 Aubrey Walk and accessways) amounts to 78.5% of the site.

- 8.1.4 Whilst I accept that the site has a valuable recreational role, this will be maintained and enhanced in the new scheme. On this basis, the issue is not one of recreational space but the degree to which the courts and embankments represent 'open space' which is important to the character and appearance of the Conservation Area. In my opinion, the fact that the tennis courts are elevated by between 3 and 4 metres and are on the roof of the reservoirs limits the degree to which they can be regarded as open space. Similarly, the trees and vegetation on the embankment give a 'veneer' of green but are a very limited part of the site.
  
- 8.1.5 Bringing these points together, it is necessary to draw a 'planning balance' between the actual role of the roof of the reservoir and the associated embankments and the acknowledged redundancy of the structures and their potential (as previously developed land) to meet the housing requirements of London.
  
- 8.1.6 It is my view that the appeal scheme strikes the right balance in retaining the tennis facility and providing a high quality residential scheme which will enhance the character and appearance of the conservation area. For these reasons there is a compelling case in favour of permitting both appeals

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R&C

PP990733

**The Redevelopment of Water Tower House  
and the  
Former Campden Hill Reservoir Site**

**DESIGN STATEMENT**

**March 1999**

R.E.K. & C.  
TOWN PLANNING  
22 MAR 1999  
RECEIVED

  
**BROADWAY MALVAN  
ARCHITECTS**

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Contents

Item

- 1.0        **The Existing Site**
- 2.0        **General Design Principles**
  - 2.01    **The New Tennis Building**
  - 2.01    **The Proposed Housing**
- 3.00      **Design Approach to the New Housing**
- 4.00      **The Proposed Apartment Buildings**
  - 4.01    **Aubrey Walk Apartment Buildings**
  - 4.02    **Campden Hill Road Apartment Building**
- 5.00      **Materials**
- 6.00      **Vehicular Access**
- 7.00      **Conclusion**

1529 104

# CAMPDEN HILL RESERVOIR REDEVELOPMENT KENSINGTON, LONDON W8

## PLANNING APPLICATION DOCUMENTATION

### DESIGN STATEMENT

#### 1.00 The Existing Site

The redundant status of the existing reservoirs and pump house is the catalyst for this design proposal.

Its original function has been terminated and superseded by the new infrastructure works to the mains supply throughout London.

Water Tower House is widely acknowledged as building of little or no architectural merit and its replacement is considered as a good opportunity to enhance the architectural townscape of this part of Campden Hill and Aubrey Walk.

The elevated plane of the existing reservoir upper deck creates an embankment along Aubrey Walk and restricts views into the existing site from street level. The embankment itself has the benefit of containing some TPO'd trees, however the general vista along the southern side of Aubrey Walk is marred by the various ancillary Thames Water buildings and sub station which are visually cluttered and untidy (as noted in the Kensington Conservation Area Statement).

The upper deck of the reservoirs has a beneficial use to the local community as the site of the Campden Hill Lawn Tennis Club. An artificial playing surface has been laid and provides 12 playing courts and one practice court. Due to the elevation of the court surface it is not possible to view the courts from any of the surrounding streets.

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## **2.00 General Design Principles**

The design acknowledges the factors referred to above and the brief for the design was initiated by the following decisions;

- The demolition of Water Tower House
- The demolition of the Pump House
- The partial demolition of the reservoirs and the retention of certain retaining structures.
- The replacement of the tennis facilities.
- Co-ordinate the design with the Thames Water Shaft location.

The demolition of the existing structures and buildings has created the opportunity to redevelop the site to provide both a high quality tennis facility to replace the existing, together with a prestigious new residential development.

### **2.01 The New Tennis Building**

The new tennis facilities are created as a two-tier structure with six indoor courts below a deck with six championship courts, together with a new practise court. This building has been designed in conjunction with Campden Hill Tennis Club who strongly support the new design proposals.

The upper level of the courts is at the same level as the existing and will therefore be visually similar to the existing area to the west of the site. The area occupied by the courts is approximately half that of the existing releasing the balance of the site for residential development.

The design of the new courts retains the existing reservoir brickwork walling to the north and west, thus protecting the existing structures and landscape beyond. The remaining reservoir structure will be removed.

The design of the tennis court building has been developed since the original application to incorporate additional practice facilities requested by the Campden Hill Lawn Tennis Club. These are located on the southern side of the building adjacent the School. The practice courts are at a lower level which enables a glazed wall to be introduced on this southern elevation.

The building design enhances the brickwork of the existing reservoirs within a new elegant structure to create a modern high quality sports facility.

### **2.02 The Proposed Housing**

Nineteen houses of the highest quality have been designed to form a new square in the centre of the site at the level of Aubrey Walk. This creates a new open space to the south



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of Aubrey Walk, which will be landscaped to a high quality creating a new amenity to this area.

The houses are four storeys from ground level, which will be new deck structure; this will be constructed over a basement which is constructed at the level of the old reservoir slab. This basement area provides underground parking for the residential accommodation and includes garages for the individual houses.

At the north-west corner of the Square, the new building is continued along Aubrey Walk in place of the existing block of flats. The houses change from 4 storeys to 3 at this point and change again to two storeys as the building meets the Tennis Club. This creates continuity of the built form which was considered to be an important link between the existing buildings and the new development. Whilst there were strong reasons why the townscape would be improved by lining the facades of the new building to the Tennis Club, it was felt by the design team that it was important to retain the large ash tree which grows on this bank.

### **3.00 Design Approach to the New Housing**

The houses have been designed with a traditional feel but they are not intended to replicate a particular period style.

The general mix of architectural style in the area is varied and no particular style predominates as noted in the Kensington Conservation Area Proposals Statement.

The buildings immediately surrounding the site vary from the brash commercial modernism of Kensington Heights to the charming eclecticism of the Aubrey Walk housing.

The new houses are designed to complement this mix and add to it by creating a new formal square. Three terraces are to be built around a landscaped square which is open on its North side to Aubrey Walk, with the existing housing Nos. 8-20 forming the enclosure to the square. A mixture of public and private open space is created to the benefit of both existing and future residents.

The new square opens up the southern side of Aubrey Walk and creates more openness than currently exists by the dropping of the ground floor structure to match the existing site levels.

The materials used for the houses will be of the highest quality and includes dressed Bath and Portland stone at the lower levels with traditional London stock brickwork and stucco above.

Elements of the design and materials are consistent with other examples in the local area.

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The houses to west of the square have been designed to include a studio which in addition to offering flexible space also reduces the effect of the difference in levels between the tennis club and the housing.

#### **4.00 The Proposed Apartment Buildings**

The two apartment buildings create the transition from the new square and existing domestic residential character of Aubrey Walk to the larger and more commercial character of the buildings along Campden Hill Road.

#### **4.01 Aubrey Walk Apartment Building**

The Aubrey Walk residential building has been limited in height to 3 storeys to ensure it complements the scale of the existing buildings. It has been designed in a period style with Georgian elements but is not intended to be faithful reproduction. The building comprises 4 flats on each of the three floors, entered from one of two lift and stair cores which open into a large reception lobby. The flats on the Ground Floor have direct access to Aubrey Walk.

The Aubrey Walk façade has been set back into the site as far as possible to ensure that a garden landscape can be planted to maintain the existing green boundary to the site along the southern side of Aubrey Walk.

The original design has been developed to give the Aubrey Walk elevation more prominence in the street, making it look like the front elevation rather than the rear.

#### **4.02 Campden Hill Apartment Building**

The architecture of the Campden Hill Apartment building has changed significantly since the original application, following consultations with the Local Planning Authority and other interested parties.

The initial design was criticised for being too bland. This resulted from the desire to create a building which was traditional in style, in an effort to be uncontroversial. However the criticism has been considered seriously and the design has been changed considerably to create a more confident and contemporary building.

The scale and massing of the new design is similar to the original design and the building steps down gradually from six storeys adjacent Kensington Heights to three storeys as it turns the corner into Aubrey Walk.

Whilst the change in the style of this building is significant, the townscape of Campden Hill Road is quite different to that in Aubrey Walk itself, and a contemporary design is considered to be a very appropriate solution to this location.

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Pedestrian access is provided from both Campden Hill Road and the internal paved courtyard to a reception lobby located centrally in the building.

### 5.00 Materials

The materials selected for the houses and the apartment buildings will be selected brickwork above a stonework base. Samples of each type of material will be submitted to confirm the exact colour and texture of the masonry but the intention is to select stone and brickwork which is similar, but not identical to the materials used for the houses in the new square.

Large scale details and sample boards will be provided to confirm these matters in due course.

### 6.00 Vehicular Access

The main vehicular access to the new development is to the eastern end of Aubrey Walk close to Campden Hill Road, between the two new apartment buildings. Vehicles pass through a paved courtyard and then down to the car parking area located underground at the level of the base of the existing reservoir. The upper level will be for pick up/drop off only and the design dissuades people from parking.

### 7.00 Conclusion

It is not often that an opportunity arises to build a new square in Kensington. This scheme reflects the varied architectural character of the area and attempts to provide modern buildings in a traditional form.

G W A Binmore

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BroadwayMalyan  
Architects & Designers

BA

STJB-PC

**LAND AT FORMER THAMES WATER RESERVOIR & ASSOCIATED BUILDINGS**

**AUBREY WALK  
CAMPDEN HILL ROAD  
LONDON W8**

Appeal by St. James Homes Ltd.

Planning application no.

LPA Ref: PP/99/073

Application for Conservation Area Consent no.

LPA Ref: PP/98/2127 for demolition  
of existing reservoir and other  
buildings.

**Proof of Evidence  
of  
Peter A. Crossley, BA (Hons), B.Arch RIBA**

of

**Broadway Malyan,  
Woburn Hill,  
Addlestone,  
Weybridge,  
Surrey KT15 2QA**

Venue: Kensington Town Hall  
Date of Inquiry: 14<sup>th</sup> July 1999  
Inspector: Mr. Thompson  
Ref: K 5600/APP/E/99/1016054  
K 5600/APP/A/99/1022704

AUBREY WALK  
CAMPDEN HILL ROAD  
LONDON W8

1535



Proof of Evidence  
of  
Peter A. Crossley, BA (Hons), B.Arch RIBA

**CONTENTS:**

**Part One                    Introductory text**

1.                    Personal details
2.                    Description of Evidence

**Part Two                    Description of site**

3.                    Identification of land
4.                    Strategic/London-wide location
5.                    Local context
6.                    Listed buildings
7.                    History of land use on site
8.                    Existing site features
9.                    Levels
10.                   Existing vegetation
11.                   Access
12.                   Contamination
13.                   Views into site

1536

~~1536~~

**Part three Policy**

- 14. Evolving Government planning policy
- 15. Transport PPG13
- 16. UDP design policy
- 17. Conservation area character

**Part four Planning history and chronology of appointment**

18.

**Part five The planning application proposals**

- 19. Design principles
- 20. Design proposals
  - introduction to proposals
  - detailed description

**Part six Conclusion**

21.

**Appendices**

- Appendix 1 Relevant experience
- Appendix 2 Schedule of drawings
- Appendix 3 Schedule of areas
- Appendix 4 Application site areas
- Appendix 5 Schedule of Habitable Rooms
- Appendix 6 Gross footprint areas of existing buildings
- Appendix 7 'Holland Park Avenue News' Winter 1998
- Appendix 8 Eachus Huckson Tree Survey
- Appendix 9 Copies of planning history and chronology of appointment correspondence etc.
- Appendix 10 Landscape statement

**Part One**                      **Introductory text**

1537



**1. Personal details**

1.1 My name is Peter Crossley

1.2 I am an Architect and a Director of Broadway Malyan Ltd. I am the senior Director responsible for the Practice's Weybridge head office, the largest of the firm's seven offices. I have been a Partner of the practice since 1989, and specialise in the design of major residential and mixed use developments and urban regeneration. I am a member of The Urban Villages Forum of which my Practice was a founder member, and am a sponsoring member of BURA, the British Urban Regeneration Association. I am the Director responsible for Broadway Malyan Cultural Heritage, which is the team within our Practice specialising in Conservation and work to Listed buildings and new-build projects in the context of Listed buildings or Conservation areas.

1.3 A full description of my relevant experience is set out in Appendix 1.

**2. Description of evidence**

2.1 The Campden Hill reservoir site is an important brown field site in a sensitive location. It provides an exceptional opportunity to bring forward development proposals to create a superb development on recycled land - in accordance with the stated aims and objectives of Government policy.

2.2 My evidence describes the site and the urban and architectural design philosophy and approaches which have inspired my proposals.

**Part Two**                      **Description of site**

**3. Identification of land**

3.1 The application site comprises a parcel of land of 15,410 sq.m. (1.54 ha) (3.80 acres). The land currently known as the Campden Hill Reservoir site is redundant operational land in the ownership of Thames Water.

3.2 The site is located within the Royal Borough of Kensington and Chelsea in the vicinity of Holland Park. The site is bounded to the north by a small residential road known as Aubrey Walk, to the east by Campden Hill Road, and by a development of residential apartments known as Kensington Heights, and to the south by Holland Park School and West London College of Commerce. To the west the site abuts the grounds of Aubrey House, a listed building (see site location plan drawing no. 7650/PO99). There are a number of other Listed buildings surrounding the site (see later, paragraph no.6)

3.3 The site is included within the Kensington Conservation Area.

1538

3.4 In addition to its redundant use as reservoirs and associated water pumping works, the property is currently occupied in part by the Campden Hill Lawn Tennis Club who enjoy the benefit of 12 open air tennis courts on top of the roof of the reservoirs together with an existing practise court.

**4. Strategic/London wide location**

4.1 The area around Campden Hill Reservoir occupies the highest ground in Kensington and indeed for a considerable distance in any direction - a fact that is perhaps most clearly seen when standing at the top of adjacent Campden Hill Square, looking down to Holland Park Avenue. The Campden Hill Reservoir site itself however, is not prominent being surrounded on three sides by private property. It is in close proximity to Holland Park which has important status in historic and amenity terms. The site cannot be viewed directly from the park, nor will development upon it be viewed from the park. The reservoir site has only a minor frontage to Campden Hill Road which is, in itself, a secondary road rather than a major thoroughfare. I conclude that the site has no strategic or London-wide significance.

**5. Local context**

5.1 The Campden Hill Reservoir site sits within an area which is eclectic in both its architectural character and in its land use mix.

**5.2 Campden Hill Road**

Campden Hill Road comprises a secondary link connecting Kensington High Street in the south to Holland Park Avenue in the north. These two principal thoroughfares provide the main retail and commercial areas serving Holland Park and Kensington. Running parallel with Campden Hill Road, Kensington Church Street also links the two principal commercial streets and provides a further important area of retail use.

5.3 Campden Hill Road has a different character from Kensington Church Street. It serves as the principal access to the central library, the Royal Borough of Kensington and Chelsea Town Hall, to King's College London and Holland Park School and the West London College of Commerce.

5.4 Opposite the site, an office development vies with small local shops, a public house, and residential development, to create an area of fragmented character. The overriding character is, however, residential.

5.5 The architectural character of the whole street therefore, is diverse, ranging from the substantial and impressive modern town hall in the south, contrasting with the substantial late 19<sup>th</sup> century buildings in Airlie Gardens, which in turn sit next to 1970's apartments known as Kensington Heights. These in turn abut Water Tower House - a poor quality building on the appeal site which I will describe later. Further along Campden Hill Road the somewhat ugly and idiosyncratic rear elevations to 4 and 5 storey Victorian villas in Campden Hill Gardens face a row of prettily painted 2-storey Georgian cottages.



1539



- 5.6 Thus it can be seen that architectural styles range from Georgian through Norman Shaw style arts and crafts, and even include one building in the modernist International style. Immediately opposite the site are examples of bland commercial developments from the 1970's and 80's. No single building style predominates. Development has been piecemeal and the character of the area has evolved over many years. The overriding impression is given of a road that has been in constant change. Change that has not detracted from its character, but enriched it.
- 5.7 Aubrey Walk
- 5.8 To the north of the site Aubrey Walk is in contrast to Campden Hill Road, a quieter and smaller scale street, but it has the same eclectic mix of land use and architectural styles.
- 5.9 At the junction of Campden Hill Road and Aubrey Walk and within the application site, Water Tower House a 5-storey brick flat roofed building dating from 1970's is a building of exceptionally poor character. It forms part of the former Thames Water Works which occupy over half the entire southern frontage of Aubrey Walk. These are commercial premises, and their boundary is marked with commercial signage and fencing clearly defining its use.
- 5.10 Opposite Water Tower House and at the junction between Campden Hill Gardens and Aubrey Walk on the northern side of the street, no.25 Campden Hill Gardens is a double fronted white stucco 4-storey house forming the end of a terrace of similar substantial properties believed to have been constructed around 1870. Campden Hill Gardens itself is not intact, with an infill block of post-war apartments between nos. 32 and 34, Campden Hill Gardens, testifying to the possibility of war damage.
- 5.11 On the northern side of Aubrey Walk St. George's Church was completed in 1864 and is described in the Kensington Conservation Proposals Statement in a quote from The Building News as "continental gothic freely treated".
- 5.12 The Conservation Area Proposals Statement (the CAPS) takes a different view, it describes the southern elevation of the Church as "complex and of some power and quality". (Pevsner in "The Buildings of England {London 3NW} page 457) described the building as having a "quirky rogue architect front 'atrocious' ". My view is that the Church, whilst academically not very important, does make a characterful contribution to the street scene. It is dominated by a large tower which rises some 25m above street level. It was originally almost twice this height, having been topped by a broach spire which was removed in 1949 following war damage. The gothic character of the Church which is completed in stonework, contrasts with its more classically proportioned neighbours in Campden Hill Gardens, and with a small row of 3-storey Georgian town houses which lie immediately to its west.
- 5.13 These properties, nos. 2, 4 and 6 Aubrey Walk, are charming examples of modest Georgian houses. They are puritan in their simplicity and have a quiet charm. The three properties are listed Grade II and are in the Conservation area.

1540



- 5.14 To their west Hillsleigh Road leads to Campden Hill Square. Hillsleigh Road itself has the character of a mews as it provides access to the rear of the very substantial houses that form the square. The contrast in scale between the Campden Hill Square properties and nos. 2-6 Aubrey Walk, is marked, and although both are Georgian in style, those in Campden Hill Square are much grander and more imposing. Indeed the square must be one of the finest of its type enjoying the benefit of central gardens with substantial mature trees, and long vistas to the north.
- 5.15 Returning to Aubrey Walk, nos. 8-16 are 3-storey terraced houses with the third floor being contained within a mansard roof. Fourth floor accommodation appears to have been inserted within the upper level of the roofscape in a number of the properties. These houses appear to date from pre-war and comprise brickwork to the lower floors with white render above. They are arguably inappropriate and unsympathetic in character when viewed in the context of their Georgian neighbours, their generally horizontal emphasis being intrusive in a street where there is a strong sense of verticality. The properties are set back from the pavement in contrast to the general character of the street.
- 5.16 The fragmented and eclectic character of Aubrey Walk continues along the northern side of the street, with a row of two, three, and four-storey terraced houses of varying frontage widths, materials, heights, and architectural styles. These range from relatively modest Victorian terraced cottages possibly, at some stage in their history, having been used as mews, to Arts and Craft style houses which are of some interest.
- 5.17 At the far end of Aubrey Walk the terrace ends with a row of inappropriate post-war style low rise houses.
- 5.18 Some of the properties on the northern side of Aubrey Walk have been subject to unsympathetic modernisation and extension.
- 5.19 On the southern side of Aubrey Walk, and within the application site, nos. 3, 5 and 7 Aubrey Walk comprise 3-storey flats above garages. The properties appear to date from the 1950's, have mansard style roofs and brick elevations, with Crittall windows and timber panels. They are inappropriate to their context.
- 5.20 Outside the boundary of the reservoir site and adjacent to nos. 9 and 11 Aubrey Walk, the premises of the Campden Hill Lawn Tennis Association occupy a gabled brick cottage style property, 2-storeys high forming the end of this simple row of houses.
- 5.21 To their west no.13 Aubrey Walk comprises a 3-storey block of flats which also appears to date from the 1950's, and which is of poor architectural quality being of brick construction and concrete pantile roofs with Crittall windows.
- 5.22 Nos. 15, 17 and 19 Aubrey Walk are listed Grade II and are 3-storey post-war houses of austere simplicity being of brick construction by Raymond Erith. These