**REPRESENTOR ESSA (Edwardes Square Scarsdale and Abingdon Association)**

**MATTER 3**

**ESSA/3**

**ROYAL BOROUGH OF KENSINGTON AND CHELSEA PARTIAL REVIEW OF THE CORE STRATEGY**

**CONSERVATION AND DESIGN**

**Representations by Anthony Walker of Edwardes Square Scarsdale and Abingdon Association**

**Matter 3: Heritage Assets**

**Issue 3.1: Policy CL3**

*18 Is policy CL3 consistent with the Framework in terms of the approach to weighing harm and public benefits and does it set out an effective approach to assessing all types of proposals affecting conservation areas and historic spaces?*

Weighing harm and public benefits

In grouping harm as three subclauses to CL3c,and from the wording of the supporting justification 34.3.23, the Policy appears to restrict harm to **substantial** demolition. The Framework does not limit harm in this way but rather includes anything which has an adverse effect on the significance of the heritage asset. That significance may be architectural, artistic, historic or archaeological and is not limited to architectural or historic interest as stated in subsection (a) of the policy.

The Framework in the definitions of heritage assets includes buildings which are positively identified by the local authority as being of significance, including locally listed buildings. In the guidance on local listing English Heritage sets out the criteria to be considered, which should form part of the process of local listing. This provides a basis on which any assessment of harm to significance can be assessed. Rather than using local listing, RBKC is introducing a graded system of building assessment as that which makes a positive, neutral or negative contribution to the character and appearance of the conservation area. The first CAA for Lots Village refers to the English Heritage publication ‘Understanding Place: Conservation Area Designation Appraisal and Management’ and provides a check list. It does not however make provision for a publically accessible database. We consider therefore that the present combination of Policy and Appraisals does not provide as robust a trail as that indicated by the NPPF. We consider that it would be more effective in assessing all types of proposal if it provided a stronger basis for evaluating the significance of conservation areas, historic spaces and their constituent parts, against which any proposals can be evaluated.

*19 To be effective should policy CL3 or the reasoned justification refer to conservation area appraisals and to the type of information and drawings required to support planning applications?*

Conservation area appraisals.

We consider that the development of the appraisals to identify buildings as making a positive, neutral or negative contribuition, as trailed by RBKC in the initial proposals for Lots Village, is a significant step forward but it is important that these documents provide both a methodology and a publically accessible record of the assessments.

Information required to support planning applications.

At present RBKC relies on the validation requirements to determine the information needed to support a planning application. This is a document which can be, and indeed has been, varied without consultation. We do not object to the detail requirements being set down in this form but we consider that the Policy should include a general requirement that **any** application be accompanied by sufficient descriptive information, both drawn and written, to allow a full assessment of the proposals to be made in relation to the subject building and to any adjoining or nearby buildings affected by the proposals or which are within the setting of the subject building.

**Issue 3.2:Policy CL4**

*20 Is policy CL4 consistent with the Framework (paragraphs 129 to 133) in terms of the approach to assessing the particular significance of, and giving appropriate protection to, listed buildings, scheduled monuments and sites of archaeological interest?*

Assessment. We do not consider that the proposed policy allows for a statement of significance to be provided by the applicant as required by paragraph 128 of the NPPF except in the case of a site of archaeological significance (CL4g). There is no undertaking that the LPA will carry out an assessment of significance and we therefore consider that the Policy does not fulfil the objectives of paragraph 129 or 131 of the NPPF.

Protection. There is no provision for the balancing of public benefit with harm to significance, as set out in paragraphs 133, 134 or 135 of the NPPF. We therefore consider that the Policy does not provide the level of protection envisaged by the NPPF.

*21 Does policy CL4 contain sufficient detail to be effective or should it contain reference to specific features such as advertisements, postboxes, railings, walls and trees?*

We consider that the above examples, including shop fronts, telephone boxes and street lights, can contribute to the setting of heritage assets and may be listed in their own right. Paragraph 34.3.26 makes reference to these and to the fact that, whether listed or not, they are heritage assets which are worthy of protection. It is desirable that these be identified wherever possible as locally listed features or failing that, as noted above under conservation areas, that they be identified as providing a positive role in forming the character or appearance of the conservation area.

*22 Are parts (d) and (f) of policy CL4 sufficiently clear to be effective, or is it necessary to make the changes recommended by the Council based on the advice of English Heritage?*

We consider that the current wording could mean that this applies where the level of harm is commensurate with the level (does this mean significance or size?) of the proposed development. We suggest that after the word ‘asset’ the sentence should continue ‘ such reinstatement or removal to be conmmensurate with the significance of the asset’. The scale or level of the proposed works are irrelevant to deciding what degree or reinstatement is appropriate it is the degree of harm which is critical.