



building on success

Conservation and Design Policy Formulation Report

Partial Review of the Core Strategy

April 2014

Regulation 19, Town and Country Planning (Local Planning) (England) Regulations 2012



THE ROYAL BOROUGH OF
KENSINGTON
AND CHELSEA

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1. Introduction

- 1.1 The Core Strategy for the Royal Borough of Kensington and Chelsea with a focus on North Kensington Development Plan Document was adopted in December 2010. When it was adopted, numerous policies in the existing Unitary Development Plan (UDP) relating to conservation and design were retained. The UDP was adopted in 2002 and some will argue these extant policies are not up to date.
- 1.2 The purpose of the review is to bring the Core Strategy in line with the National Planning Policy Framework, which emphasises the need to have ‘up to date’ policies.
- 1.3 The proposed changes relate to the *Renewing the Legacy* and *An Engaging Public Realm* chapters of the Core Strategy. They do not make any significant policy alterations, but seek to roll forward the extant UDP policies into the Council’s Core Strategy.

2. Reasons for change

- 2.1 The strategic objective for *Renewing the Legacy* “is not simply to ensure no diminution in the excellence we have inherited, but to pass to the next generation a Borough that is better than today, of the highest quality and inclusive for all, by taking great care to maintain, conserve and enhance the glorious built heritage we have inherited and to ensure that where new development takes place it enhances the Borough”.
- 2.2 The strategic objective for *An Engaging Public Realm* is to “endow a strong local sense of place by maintaining and extending our excellent public realm to all parts of the Borough”.
- 2.3 To ensure the policy can deliver these strategic objectives, it is necessary to carry forward existing UDP policies, which have a strong focus on conservation and design.
- 2.4 The Royal Borough of Kensington and Chelsea benefits from a variety of attractive buildings, parks and gardens. The Borough enjoys numerous listed buildings, areas of historic interest and protected areas that combined provide the unique and valuable character of the Borough.
- 2.5 A large part of the Borough derives its character and townscape from its heritage of eighteenth, nineteenth and early twentieth century buildings. The Council has designated 36 Conservation Areas, encompassing about 72% of the Borough. The Borough also contains over 4,000 buildings which are listed at Grade II or above for their special architectural or historic interest.
- 2.6 There are further areas of architectural character and historic interest including strategically important views, for example that of St. Paul’s Cathedral. The

strategic importance of the Thames and the functions it serves in addition to its importance for archaeology are also recognised. The Borough's scheduled monuments, registered parks and gardens and archaeological priority areas are also important to local distinctiveness.

- 2.7 As stated in Core Strategy paragraph 34.2.2 there is inevitable pressure for change, as the existing building stock is updated, renewed or replaces. Maintaining and improving the character, quality, inclusivity and setting of the Royal's Borough's exceptional built environment is vital. It is against this background that the conservation and design policy updates are to be taken forward.

3. National Planning Policy Context

- 3.1 The publication of the National Planning Policy Framework in March 2012 was taken into account when formulating the draft policy. Section 7 on 'Requiring Good Design' supports the approach to updating the design policies: paragraph 58 states that planning policies should aim to ensure that developments establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit.
- 3.2 Paragraph 58 also refers to responding to local character and history, and reflecting the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation.
- 3.3 Paragraph 61 states that although visual appearance and the architecture of individual buildings are very important factors, securing high quality design and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

4. The Policies

- 4.1 As part of the update, the policies in the Renewing the Legacy chapter have been restructured. With the addition of the extant UDP policies, it made sense to reorganise existing policies in order to prevent lengthy policies.

The proposed changes are best summarised in this table:

CL1	Context and Character	Move the section on views to a new policy, otherwise little change
CL2	New Buildings, Extensions and Modifications to Existing Buildings	Incorporate UDP policies and split into separate policies on: <ul style="list-style-type: none"> • Design Quality • Basements [subject to its own review] • Roof alterations / additional storeys • Extensions and Modifications • Shopfronts

		<ul style="list-style-type: none"> Views and Building Heights
CL3	Heritage Assets - Conservation Areas and Historic Spaces	Modifications in line with NPPF
CL4	Heritage Assets - Listed Buildings, Scheduled Ancient Monuments and Archaeology	Little change
CL5	Amenity	Some minor modifications
CL6	Small scale alterations and additions	Minor changes
CR policies	(public realm)	Some are modified to incorporate UDP policies, but stay substantially the same.

An index setting out where existing policies are proposed to be ‘ending up’ is given at the end of the document.

5. Sustainability Appraisal

- 5.1 Under the Planning and Compulsory Purchase Act 2004 (PCPA), Local Authorities must undertake a Sustainability Appraisal (SA) for Development Plan Documents (DPDs). SA is therefore a statutory requirement for Local Plans along with strategic environmental assessment (SEA).
- 5.2 The Government’s approach is to incorporate the requirements of the SEA Directive into a wider SA process that considers economic and social as well as environmental effects.
- 5.3 The SA/SEA of the publication version of the Conservation and Design policy review was consulted on between 12 February and 26 March 2014. The SA/SEA indicates that these policies have a predominantly positive relationship with the SA objectives. This is true particularly from the criteria that reinforce local distinctiveness, local environmental quality and amenity through the conservation and enhancement of cultural heritage.
- 5.4 Overall, the *Renewing the Legacy* policies perform well against the SA objectives. A focus on requiring new buildings, extensions and modifications to be ‘of the highest architectural and urban design quality’ and sensitive to the existing local context should help contribute to meeting the aims of *Renewing the Legacy*.
- 5.5 In terms of positive environmental benefits, the Parks, Gardens, Open Spaces and Waterways and Trees and Landscape policies perform well, particularly against the environmental SA objectives which focus on providing protection, enhancement and creation of the natural environment. The appraisal process has not suggested that any of the preferred policies are likely to have any significant negative effect on the SA objectives.

- 5.6 The policies have not changed in substance from the last round of consultation. However, a number of changes were made to improve the clarity of the policy and the text (these are outlined section 8).
- 5.7 It is therefore not necessary to undertake further appraisal work as the conclusions of the Publication SEA are still valid in appraising the impacts of the submission version of these Conservation and Design policies.

Options considered and rejected before consulting on the draft policies

- 5.8 The Conservation and Design Review involves rolling extant UDP policies into the Core Strategy. The purpose of the review is to bring the Core Strategy in line with the National Planning Policy Framework, which emphasises the need to have 'up to date' policies. The alternative approach considered was not to incorporate the extant UDP policies into the Local Plan. This alternative was subject to a sustainability appraisal and performed less favourably than the preferred approach.

6. Equality Impact Assessment

- 6.1 The Equalities Impact Assessment demonstrates that a policy approach that requires inclusive design and retains as many facilities as possible that can either provide a community meeting point or a service to the local community score the highest and this is reflected in the draft policies.

7. Consultation

Consultation on Draft Policy: 6 December 2012 – 31 January 2013

- 7.1 In October 2012 a public meeting was held to discuss the policy review. This was attended by 22 people. Feedback from this meeting fed into the draft policy, which was consulted on between 6th December and 31st January. A workshop meeting, attended by over 20 people, was held on 14th January 2013.

In addition 172 responses were received via the Council's website or in writing from 13 respondents commenting on behalf of amenity societies and statutory bodies.

A working group meeting was held on 16th May with members of the public as a result of the workshop sessions; comments from this were taken into account as part of the policy development.

First Round Publication Stage Consultation: 9 July – 3 September 2013

An eight week consultation period was held between 9 July and 3 September 2013. Comments were received on the soundness of the policies from 20 respondents in writing and through the Council's website.

Final Publication Stage Consultation: 12 February – 26 March 2014

A further eight week consultation period on the publication policies was held between 12 February and 26 March 2014. Comments were received on the soundness of the policies from 33 respondents in writing and through the Council's website.

8. Final Publication policies and reasoned justification

Changes in response to first round publication stage

- 8.1 This comprises some minor changes to make the text more readable and some additions to the reasoned justification. The reference to the role of external space on improving living conditions has been strengthened; the reasoned justification for policy CR5(i) has been altered to incorporate part of paragraph 4.2.7 from the UDP Extant Policies, which highlights the importance of the river as an important transport route. In addition there was concern that the policy CL3(c) on demolition in conservation areas did not comply with national legislation; a new clause has therefore been proposed, observing paragraph 133 of NPPF, which identifies the importance of weighing public benefit against harm or loss to the significance of a heritage asset.

Changes in response to final publication stage

- 8.2 The amendments recommended to the inspector as a result of the final round of public consultation are either correcting typographical errors or minor additions to the reasoned justification and policies. The most significant change is the removal of Policy CL2(C) on eyesores.

The changes that are proposed in response to the consultation can be summarised as:

- **Policy CL2(c)** and the associated text. In the policy relating to design quality there is concern that the policy on eyesores leaves the Council vulnerable to substandard development. It is proposed that this policy is removed.
- **Policy CL3 reasoned justification.** This concerns the Council's policy on conservation areas. Small alterations proposed to the supporting text.
- **Policies CL4(d)&(f).** This concerns the Council's policy on listed buildings. Changes to the wording of the policy are proposed.
- **Policy CL6 reasoned justification.** This concerns the Council's policy on small-scale alterations and additions. Small alterations proposed to the supporting text.
- **Policies CR5(c)** and the associated text. This concerns the Council's policy on parks, gardens, open spaces and waterways. It is proposed that there are changes to the supporting text and minor changes to policy CR5(c).

Changes in bold blue and underlined are those that have been made since the final publication consultation.

Index of where existing policies are proposed to be moved

Core Strategy Policy/ UDP Policy	Title/subject	Proposed new policy (Local Plan)	Title
CL1	Context and character		
	(a) – (d) and (f)	CL1	Context and Character
	(e)	CL11	Views
CL2	New Buildings, Extensions and modifications to existing buildings		
	(a), (b) and (c)	CL2	Design Quality
	(d), (e)	CL9	Extensions and Modifications
	(f)	CL8	Roof alterations and additional storeys
	(g)	CL7	Basements
	(h) – (l)	CL12	Building Heights
	(m) no current policy, letter omitted		
	(n) & (o)	CL10	Shopfronts
CL3	Heritage Assets – Conservation areas and Historic Spaces (whole policy)	CL3	Heritage Assets – Conservation areas and Historic Spaces
CL4	Heritage Assets – Listed Buildings, Scheduled Ancient Monuments and Archaeology (whole policy)	CL4	Heritage Assets – Listed Buildings, Scheduled Ancient Monuments and Archaeology
CL5	Amenity (whole policy)	CL5	Living Conditions
CL6	Small scale alterations and additions (whole policy)	CL6	Small scale alterations and additions.
CR1	Street Network	CR1	Street Network
CR2	Three-dimensional Street Form	CR2	Three-dimensional Street Form
CR3	Street and Outdoor Life	CR3	Street and Outdoor Life
CR4	Streetscape	CR4	Streetscape
CR5	Parks, Gardens, Open Spaces and Waterways	CR5	Parks, Gardens, Open Spaces and Waterways
CR6	Trees and Landscape	CR6	Trees and Landscape
CR7	Servicing	CR7	Servicing
CD1	Thames Policy Area	CL11	Views
CD2	ditto	CL11	Views
CD4	Thames-side vessels and structures	CR5	Parks, Gardens, Open Spaces and Waterways

CD5	Ditto	CR5	Parks, Gardens, Open Spaces and Waterways
CD8	Royal Hospital	CL11	Views
CD9	Ditto	CR5	Parks, Gardens, Open Spaces and Waterways
CD10	South Kensington Museums Area	CL11	Views
CD11a	Ditto	CL11	Views
CD11 b, c, d	Ditto	CF9	South Kensington
CD13	Kensington Gardens	CL11	Views
CD14	Ditto	CL11	Views
CD15	Holland Park	CL11	Views
CD16	Cemeteries	CR5	Parks, Gardens, Open Spaces and Waterways
CD17	Strategic views	CL11	Views
CD22	Grand Union Canal	CR5	Parks, Gardens, Open Spaces and Waterways
CD26	Areas of development	CL5	Living Conditions
CD31	Backland development	CL1	Context and Character
CD44	Additional storeys and roof level extensions	CL8	Roof alterations and additional storeys
CD45	Ditto	CL8	Roof alterations and additional storeys
CD46	Roof terraces	CL8	Roof alterations and additional storeys
CD46a	Roof terraces	CL5	Living Conditions
CD47	Extensions	CL9	Extensions and modifications
CD47 b,e,h	Extensions	CL5	Living Conditions
CD48	Conservatories	CL9	Extensions and modifications
CD49	Site extensions and gaps	CL9	Extensions and modifications
CD55	Mews	CL1	Context and Character
CD56	Artist's Studios	CL1	Context and Character
CD63	Development in Conservation Areas	CL11	Views
CD72	Shopfronts	CL10	Shopfronts
CD73	Ditto	CL10	Shopfronts
CD74	Ditto	CL10	Shopfronts
CD77	Blinds, awnings and flags	CL10	Shopfronts
CD78	Ditto	CL6	Small scale alterations and additions.
CD89	Churches and other places of worship	CL1	Context and Character