

## **NOTE ACCOMPANYING SUBMISSION OF HERITAGE REPORT**

**From:** Tom Ashley <tashley@turnberryuk.com>

**Subject:** PP/23/00968 81-103 King's Road, LONDON, SW3

**Date:** September 26, 2023 at 4:47:45 PM GMT+1

**To:** "Lomas, Martin: RBKC" <Martin.Lomas@rbkc.gov.uk>

Dear Martin,

I write on behalf of Smith Street Residents Association (SSRA) in respect of application PP/23/00968.

You will be aware that SSRA made representations on the initial application submission, dated 24<sup>th</sup> April 2023 and further representation, dated 28<sup>th</sup> July 2023, in respect of the revised application submission.

In both their initial representations and further representations, SSRA have identified concerns with regard to the seriously harmful impacts on the historic environment, specifically the settings and significance of the Royal Hospital Chelsea and Chelsea Conservation Areas and on the settings and significance of nearby listed buildings and unlisted buildings of heritage significance as designated and non-designated heritage assets.

In making their representations, SSRA interrogated the application submissions, with a view to understanding the impact of the proposed development upon the historic environment. Through this process it became apparent that the application submissions do not provide a robust and transparent basis for a fair assessment of the schemes impact upon the historic environment.

It is noted that many residents have made representations to the Council advising of inaccuracies and shortcoming in the application submissions. Particular concerns have been expressed with failure of the application to properly assess the impact of the proposed scheme upon the historic environment.

In the absence of a robust and transparent assessment of the schemes impacts upon the historic environment, SSRA have engaged a specialist conservation architect to undertake an assessment of the proposed development (the revised details submitted on 26<sup>th</sup> June 2023).

Please find attached the assessment which is submitted for the consideration of Officers and Members. Whilst this further information is submitted outside of the statutory consultation period, in the absence of robust and transparent

assessment being made available by the applicants for the proper consideration of the Council, we trust this information will be taken into account.

### **Assessment of Potential Effects of the Proposal on Designated and Non-Designated Heritage Assets**

The report is concise, this notwithstanding I would draw your particular attention to the following.

With regard to the significance of the Conservation Areas the report notes that:

*"[The] special architectural and historic interest, character and appearance are usefully summarised in paragraphs 1.5 to 1.9 of both the Royal Hospital Chelsea Conservation Area Appraisal and the Chelsea Conservation Area Appraisal. From these summaries and from other sections of the respective Appraisals, it is clear that the significance of the respective areas, including parts of the King's Road to the north-east and south-west of the application-site, is shaped primarily by the prevalence of early-to-mid-19th century residential and commercial properties of consistently modest scale – generally no more than three or four, domestic storeys in overall height." (Paragraph 2.5)*

The report goes on to explain:

*"It is the excessive height and bulk of the proposed development on the application-site which poses the largest threat to the settings and significance of the conservation areas and nearby historic and other properties within those areas – not only as may be appreciated from street-level but from nearby residential properties and their rear gardens" (Paragraph 4.13).*

The attached report thereby concludes:

- The proposed development, by virtue of its height, bulk and external design will have seriously harmful impacts on the settings and significance of the Royal Hospital Chelsea and Chelsea Conservation Areas and on the settings and significance of nearby listed buildings and unlisted buildings of heritage significance as designated and non-designated heritage assets.
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- The level of potential harm to those heritage assets falls on the boundary between 'substantial harm' and 'less than substantial harm' as defined in paragraph 18 of the National Planning Practice Guidance of July, 2019; and that such harm is not only unjustified but is neither balanced nor outweighed by potential public benefits contrary to the relevant provisions of the National Planning Policy Framework.
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- The proposed development, by virtue of its height, bulk and external design, will fail to preserve (or leave unchanged) the settings of

nearby listed buildings contrary to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act, 1990.

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- The proposed development, by virtue of its height, bulk and external design, and its potential seriously harmful impacts on the settings and significance of designated and non-designated heritage assets, is wholly inconsistent with:
  - - The relevant provisions of the National Planning Policy Framework in relation to potentially harmful impacts of the proposed development on local character and history, including the surrounding built environment, and on the settings and significance of adjacent conservation areas and of nearby listed building and unlisted buildings of heritage significance, as designated and non-listed heritage assets;
    - Policy D3 D 1) and 11), Policy D9 B 3) and Policy HC1 C of The London Plan of March, 2021; and
    - Policies CL1, CL2, CL3, CL4, CL11 and CL12 of the Kensington and Chelsea Local Plan of September, 2029; and
    - The relevant guidance relating to Context, Identity and Built Form contained in in the National Design Guide of January, 2021; the relevant guidance contained in Council's Building Heights in the Royal Borough – A Supplementary Planning Document of July, 2021; the relevant guidance contained in The Royal Hospital Chelsea Conservation Area Appraisal of March, 2016 and The Chelsea Conservation Area Appraisal of 3 January, 2016; and the relevant emerging policies contained in the New Local Plan Review of February, 2023

### **Public Benefit**

In their 'Heritage, Townscape and Visual Impact Assessment' January 2023 prepared by Montagu Evans (page 4), the applicants state the following -

*"We note that **we have not found any harm to heritage assets**. In the event that the decision maker does find some harm, then that would not be an impediment to positively determining the application. The harm would be less than substantial and in our judgement at the lower end of the spectrum. Both the London Plan and RBKC Local Plan allow for harm to be justified, while paragraph 202 of the National Planning Policy Framework allow for such harm to be weighed against the benefits of the development notwithstanding great weight should be applied to the conservation of designated heritage assets. In our judgement there are considerable benefits that would be delivered comprising:*

- *Improvement to the street frontage to Kings Road through a new building with active uses which will help to improve the way the area appears and functions.*

- *The introduction of a new building with architecture of an exemplary standard that replaces an existing building of no architectural merit whatsoever. In our judgement the building would become a building that will contribute positively to the local area.*

- *The betterment of public realm both along Kings Road and within the access route to Charles II Place.*

*When considered together, and with that rationale at play, in our judgement the townscape and heritage benefits would outweigh any harm to heritage assets. Should the decision maker consider that there would be "net harm" (considering the internal heritage balance) there are other benefits associated with optimising the site, land use, sustainability, and delivery of new commercial floorspace within an area designated as a Major Shopping Centre by the LPA."*

As noted above, our assessment concludes that the level of potential harm to heritage assets falls on the boundary between 'substantial harm' and 'less than substantial harm'. Thereby the scheme will need to deliver a much greater level of public benefit than the applicants have assumed is required.

The 'townscape and heritage benefits' identified by the applicants, noted above, are clearly disputed by the residents of the local area, and as such cannot be considered to be 'public' benefits. Certainly, they cannot be considered sufficient to outweigh the level of harm to designated and non-designated heritage assets that will arise from the potential development.

It is also not accepted that the scheme would give rise to any other benefits. For example, the benefit of additional floorspace in this location is disputed given the apparent lack of demand.

I would be obliged if you would confirm that the contents of this email will be brought to the attention of the Planning Committee. I shall upload this email via your website.

Best regards

Tom

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