

PAUL VELLUET,
B.A. Hons, B.Arch. Hons, M.Litt., R.I.B.A., I.H.B.C.
CHARTERED ARCHITECT
CONSERVATION, DEVELOPMENT AND PLANNING
9, BRIDGE ROAD, ST MARGARET'S, TWICKENHAM, MIDDLESEX, T.W.1. 1.R.E.
e-mail: paul.velluet@velluet.com; telephone: 020 8891 3825; mobile: 077 64 185 393

APPLICATION FOR PLANNING PERMISSION FOR THE PROPOSED DEMOLITION AND REDEVELOPMENT OF THE SITE COMPRISING NOS. 81 TO 103 (ODD), KING'S ROAD, CHELSEA, LONDON. S.W.3. – APPLICATION REFERENCE PP/23/00968

COMMENTS ON THE POTENTIAL EFFECTS OF THE PROPOSALS ON DESIGNATED AND NON-DESIGNATED HERITAGE ASSETS, SEPTEMBER, 2023

I. INTRODUCTION

- I.1 This report has been prepared by Paul Velluet, Chartered Architect, on behalf of The Smith Street Residents' Association. The report addresses the potential impacts of the proposals on designated and non-designated heritage assets which lie adjacent or close to the application-site within the Royal Borough of Kensington and Chelsea and complements the representations set out in the letter to the Council from the Smith Street Residents' Association of the 24th April, 2023, and the letter to the Council from Turnberry Consulting of the 28th July sent on behalf the Association.
- I.2 Paul Velluet is an elected corporate member of the Royal Institute of British Architects, an elected full member of the Institute of Historic Building Conservation, and former member of the RIBA's Planning Group and National Awards Group. He has over forty years of professional experience in both private practice and the public sector specialising in the conservation, extension and alteration of listed and other historic buildings and in new development in conservation and other historic areas, including thirteen years as Regional Architect and Assistant Regional Director for English Heritage London Region, and six years as Senior Associate, Conservation and Planning, with major, London-based, commercial practice, HOK Architects.
- I.3 The report is based on a detailed review of the original and revised drawings and other relevant documentation submitted in support of the application; on a recent assessment of the character, appearance and significance of the urban context of the application-site; and on an assessment of the proposals against the relevant national, London-wide and local planning policies and guidance, taking into account the relevant advice contained in Historic England's *The Setting of Heritage Assets: Historic Environment Good Practice in Planning Note 3 (Second edition)* of January, 2017 and the *National Planning Practice Guidance* of July, 2019 – in particular, paragraph 13.

1.4 The report concludes that:

Taking into account the architects' submitted 'as existing' and 'as proposed' plans elevations and sections, the information provided in Pilbrow and Partners and Gillespies' submitted *Design and Access Statement*, and the fourteen Accurate Visual Representation before and after views of the proposed development contained in the appendices attached to Montagu Evans submitted *Heritage, Townscape and Visual Impact Assessment* – in particular Views 1, 2, 3, 4, 5, 13 and 14, it is clear that:

- 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.
- 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*.
- 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*.
- 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 HCI 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 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

January, 2016; and the relevant emerging policies contained in the *New Local Plan Review of February, 2023*.

On this basis, the Council is urged to refuse the application.

- 1.4 It is also considered that the very positive support for the proposed development conveyed by Council officers in their formal pre-application advice of the 21st October and the 23rd December, 2022; in the pre-application advice of the Council's Quality Review Panel of the 22nd May and 22nd September, 2022; and in the GLA's Planning Report of the 1st June, 2023, reflects a disturbing lack of recognition of the considerable heritage significance of the setting of the proposed development and of the seriously harmful potential impacts of the development on that significance.

2. THE URBAN CONTEXT

- 2.1 The application-site is bounded by King's Road on its north-western side, by the flanks of the bridges across Atlantic Court, the open part of Atlantic Court and the north-eastern end of Charles II Place and the rears of the residential properties at nos. 48, 49, 50 and 51, Charles II Place on its north-eastern side, the rears of residential properties at nos. 36 to 46 (consec.) Charles II Place on its south-eastern side, and the flanks of nos. 105, 107 and 109, King's Road and the rears of Radnor Studios at nos. 13 and 13A, Radnor Walk on its south-western side. The principal street-elevation of the application property abuts Atlantic Court at nos. 73 to 77 (odd), King's Road at its north-eastern end, and no. 105, King's Road at its south-western end – the latter falling within the boundary of the Royal Hospital Conservation Area.
- 2.2 Whilst the application-site falls outside the boundary of any conservation area, it abuts the boundary of the Royal Hospital Conservation Area on its south-western side and lies close to the boundary of the conservation area on its north-eastern and south-eastern sides. In addition and importantly, the north-eastern half of its principal street-elevation lies directly opposite nos. 140 (142), 144 and 146, King's Road, which fall within the boundary of the Chelsea Conservation Area. Wholly anomalously, the listed *Pheasantry* at no. 152, King's Road and its separately listed gateway and forecourt walls, together with the sensitively scaled, 1970s Jubilee House on its south-western side at the corner of Jubilee Place and the similarly sensitively scaled, 1970s no. 148-150, King's Road on its north-eastern side at the corner of Markham Place, directly opposite the south-western half of the principal street-elevation of the application-site, are excluded from the Chelsea Conservation Area.
- 2.3 In addition to *The Pheasantry* and its gateway and forecourt walls, listed properties within the immediate vicinity of the application-site include nos. 24, 45 and 46 to 50 (consec.), Smith Street – to the north-east; and the former Welsh Congregational Church in Radnor Walk close to the junction with the King's Road - to the south-

west. Importantly, streets within the immediate vicinity of the application-site such as Radnor Walk, Smith Street and Smith Terrace - within the Royal Hospital Conservation Area, and Jubilee Place, Markham Square and Markham Street – within the Chelsea Conservation area, are also lined with unlisted properties of heritage significance, specifically identified as ‘positive buildings’ (making ‘a positive contribution to the historic and architectural character and appearance’ of the Royal Hospital Chelsea and Chelsea Conservation Areas’) in Figure 2.7 – ‘Buildings Audit Map’ of the *Royal Hospital Chelsea Conservation Area Appraisal* of March, 2016 and in Figure 27 – ‘Buildings Audit Map’ of the *Chelsea Conservation Area Appraisal* of January, 2016. In addition, both sides of this stretch of the King’s Road also contain a number of properties also specifically identified in the two *Conservation Area Appraisals* as ‘positive buildings’. Accordingly, the application-site is bordered on all sides with streets and urban spaces embracing both listed and unlisted properties comprising ‘designated’ and ‘non-designated’ heritage assets. Thus, whilst the application-site falls outside the boundary of any conservation area, it is set in the centre of an area of considerable heritage significance.

- 2.4 Such significance is also reflected in the designation of the area immediately abutting the application-site on its south-western side and in the designation of the area in proximity to its north-eastern and south-eastern sides as the Royal Hospital Chelsea Conservation Area, and by the designation of much of the area opposite the application-site on the north-western side of the King’s Road as part of the Chelsea Conservation Area.
- 2.5 Whilst the specific ‘significance’ of the two conservation areas is not stated explicitly in the respective *Conservation Area Appraisals*, their 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. Even many individual properties of later date in the respective conservation areas in the vicinity of the application-site tend to reflect the prevailing scale of the older properties, or are only modestly higher.
- 2.6 The significance of the consistency in urban scale of the properties in the immediate vicinity of the application-site – generally three-to-four storey height with basements and mansard storeys - is reflected in the descriptions provided in the Council’s *Conservation Area Appraisals* referring to specific properties and streets: to no. 69, King’s Road in paragraph 3.144; to no. 105, King’s Road in paragraphs 3.142; to no. 109, King’s Road in paragraph 3.141; to Radnor Walk in paragraphs 3.51 to 3.53; to

Smith Street in paragraphs 3.39 to 3.41; to Smith Terrace in paragraph 3.99; and to the former Welsh Chapel in Radnor Walk close to the junction with the King's Road in paragraph 3.106 of the *Royal Hospital Chelsea Conservation Area Appraisal*; and to Jubilee Place in paragraphs 3.30 and 3.31; to Markham Square in paragraph 3.44; and to Markham Street in paragraphs 3.35 and 3.36 of the *Chelsea Conservation Area Appraisal*.

2.7 The significance of a consistency in urban scale across the Borough is reflected in the Council's Supplementary Planning Document – *Building Height in the Royal Borough* of July, 2021, where it is noted that:

'With the exception of a few clusters of tall buildings along main transit corridors, along barriers (e.g. by railway cuttings) or around central nodes, the majority of the Borough has a relatively homogeneous and level roofscape' (paragraph 2.7).

'Building heights are relatively consistent within each quarter' (paragraph 2.8).

'The Royal Borough is characterised by the consistency of building heights within its constituent parts and across the Borough as a whole. This is a reflection of its predominantly historic built form and has contributed to creating a highly attractive and distinctive townscape. Few buildings punctuate the skyline, with tall buildings being the exception rather than the rule' (paragraph 2.19).

'Because of the consistency of building heights in the Borough, tall buildings tend to have a disproportionate effect on its skyline. *There is a strong policy presumption in favour of maintaining this consistency, and the Council will carefully assess the design and townscape qualities of proposals that may otherwise gradually erode this important historic character*' (paragraph 2.20).

3. THE RELEVANT STATUTORY PROVISIONS AND POLICIES

3.1 The proposals and their potential impact on the settings and significance of both designated and non-designated heritage assets need to be considered against:

- Section 66 of the *Planning (Listed Buildings and Conservation Areas) Act, 1990* with regard to the requirement to preserve (or leave unchanged) the settings of nearby listed buildings.
- The relevant provisions of the *National Planning Policy Framework (NPPF)* – in particular paragraphs 130.b) and c), 197, 199, 200, 202, 203 and 206, in relation to ensuring that development should be visually attractive and sympathetic to local character and history, including the surrounding built environment; in relation to making a positive contribution to local character and distinctiveness; in relation to the need to give great weight to the conservation of designated assets in considering the

potential impact of proposed development on the significance of designated heritage assets; in relation to the need for clear and convincing justification for any potential harm to the significance of designated heritage assets; in relation to the need to weigh any potential harm to the significance of any designated heritage assets against potential public benefits; in relation to the need for the effect of proposed development on the significance of non-designated heritage assets to be taken into account; and in requiring opportunities for new development within the setting of heritage assets to enhance or better reveal their significance.

- The relevant policies contained in the *Royal Borough of Kensington and Chelsea Local Plan* of September, 2019, in particular Policy CL1 – Context and Character; Policy CL2 – Design Quality; Policy CL3 – Heritage Assets – Conservation Areas and Historic Spaces; Policy CL4 – Heritage assets – Listed Buildings, Scheduled Ancient Monuments and Archaeology; Policy CL11 – Views; and Policy CL12 – Building Heights, with regard to the need for all development to respect the existing context, character and appearance; the need for development to contribute positively to the townscape through the architecture and urban form; the need for the design of development to respond to the local context; the need for the scale and massing of development on backland sites to respect the hierarchy of the existing urban block so as to enhance the character of the area; the need for development to be of the highest architectural and urban design quality; the need for development to be attractive and locally distinctive – responding well to its context; the need for development to preserve and take opportunities to enhance the cherished and familiar local scene; the need for development to preserve or enhance the character or appearance of conservation areas and protect the special architectural or historic interest of the areas and protect their settings; the need for development to protect the heritage significance of listed buildings; the need for development to protect and enhance views, vistas, gaps and the skyline that contribute to the character and quality of an area, resisting development which interrupts, disrupts or detracts from views and gaps and the skyline; and the need for new buildings to respect the Borough’s valued townscapes through appropriate building heights, reflecting the prevailing building heights within the context, providing a roofscape that reflects that of the context of the site, and resisting buildings significantly taller than the surrounding townscape other than in exceptionally rare circumstances where the development has a wholly positive impact on the character and quality of the townscape.
- Policy D3 D 1) and 11); Policy D9 B 3); and HCI C of *The London Plan* of March, 2021 with regard to the need for development proposals to enhance local context by delivering buildings that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions; the need to respond to the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality and respect, enhance, and utilise the

heritage assets and architectural features that contribute towards the local character; the presumption against tall buildings other than in locations identified as suitable in Development Plans; and the need to ensure that development proposals affecting heritage assets and their settings should conserve their significance, by being sympathetic to the asset's significance and appreciation within their surroundings, and avoid harm by integrating heritage considerations and identifying enhancement opportunities early on in the design process.

3.2 Finally, due regard needs to be given to the following:

- The relevant guidance relating to Context, Identity and Built Form contained in the *National Design Guide* of January, 2021;
- The relevant guidance contained in *Building Height in the Royal Borough – A Supplementary Planning Document* of September, 2020; and
- The relevant guidance contained in Appendices 2 and 3 of *The Royal Hospital Chelsea Conservation Area Appraisal* of March, 2016 and *The Chelsea Conservation Area Appraisal* of January, 2016.

4. CONSIDERATION OF THE PROPOSALS AND THEIR POTENTIAL IMPACTS ON HERITAGE ASSETS

4.1 In considering the architects' 'as existing' and 'as proposed' drawings submitted in support of the application and the drawings and illustrations contained Pilbrow and Partners' and Gillespie's *Design and Access Statement*, it is quite clear that the height and bulk of the proposed new development on the application-site are substantially greater than the height and bulk of the existing development on the site and the majority of the both historic and other buildings in the vicinity of the application-site. The proposed development rises to an overall height of 28.72 m. above Ordnance Datum – generated by the inclusion of a very tall, retail storey at ground floor level and three, office storeys above together with a very high roof - compared with the overall heights of 23.39 m. and 17.44/17.45 m. above Ordnance Datum of the front and central parts of the existing development on the site (and the overall height of 19.22 m. above Ordnance Datum of two, very small structures at roof-level in the middle part of the existing development).

4.2 The proposed very substantial increase in the height and bulk of development on the site is well illustrated by comparing the 'as existing' 1:200 scale Sections A-A and B-B (Drawing 2133-PP-ZZ-XX-DR-A-01-3001 rev. P2) with the 'as proposed' 1:200 scale Sections A-A and B-B (Drawings 2133-PP-ZZ-XX-DR-A-12-0001 rev. P4 and 0002 rev. P4) and by viewing the 'as proposed', 1:200 scale Section C-C (Drawing 2133-PP-ZZ-XX-DR-A-12-0003 rev. P4).

- 4.3 Similarly, the proposed very substantial increase in the height and bulk of development on the site is also well illustrated by comparing the ‘as existing’, 1:200 scale North, East, South and West Elevations (drawings 2133-PP-ZZ-XX-DR-A-01-2001 rev. P2 and 2002 rev. P2) with the ‘as proposed’ 1:200 scale North, East, South and West Elevations (drawings 2133-PP-ZZ-XX-DR-A-11-0002 rev. P4, 0003 rev. P4, 0004 rev. P4 and 0005 rev. P4).
- 4.4 Anomalously, however, no ‘as existing’ and ‘as proposed’ elevations appear to have been submitted showing views from Radnor Walk, Smith Terrace, the south-west to north-east section of Charles II Place or Smith Street, showing the potential impact of the proposed development on the roof-lines of the respective streets.
- 4.5 In addition, and importantly, the inclusion of the outlines of the existing 8/9-storey, inter-War blocks of flats - Swan Court – located on the south-western side of Flood Street - and the 11-storey, inter-War block of flats – Whitelands House – located on the north-eastern side of Walpole Street – both some considerable distance to the south-west and north-east of the application-site in the east and west ‘as existing’ and ‘as proposed’ elevations clearly implies that the two, tall blocks lie close to the application-site and ‘plays down’ the potential impact of the very substantial increase in the height and bulk of development on the application-site.
- 4.6 Despite, the very extensive and detailed material submitted as part of Montagu Evans’ submitted *Heritage, Townscape and Visual Impact Assessment*, no Accurate Visual Representation ‘before’ and ‘after’ views of the proposed development have been provided in the attached appendices showing the potential impact of the proposed development as viewed from the rear gardens or rear windows of the listed residential properties and non-listed residential properties of heritage significance (‘positive buildings’) extending down the south-western side of Smith Street.
- 4.7 However, of the fourteen Accurate Visual Representation ‘before’ and ‘after’ views of the proposed development provided in the appendices, Views 1, 2, 3, 4, 5, 13* and 14 demonstrate very clearly the significant and highly damaging potential impact of the proposed development on its setting in the selected local views resulting from the very substantial increase in the height and bulk of development on the application-site. (The ‘as existing’ and ‘as proposed’ views from the rear windows of nos. 35, 41 and 44, Smith Street at second floor level submitted in June, 2023, do nothing to dissipate such concerns).
- (* From the access/service-road extending down the south-western side of the application-site rather than from Charles II Place as stated).
- 4.8 Despite the statement in Section 12 – Conclusion in the *Heritage, Townscape and Visual Impact Assessment* that ‘We have not found any harm to heritage assets’ (paragraph 12.21) and the serious understating of the potential impacts of the

proposed development in the preceding assessments, it is quite clear that the very substantial increase in the height and bulk of development on the application-site will have a considerable and harmful effect on its immediate settings and their significance including the two conservation areas as designated heritage assets and nearby listed and unlisted properties of heritage significance ('positive buildings') as designated and non-designated heritage assets.

- 4.9 Whether viewed from various points along the north-western side of King's Road to the north-east and south-west or from various points down the length of Markham Street directly opposite the street-elevation of the proposed development, or from across the long-established and characterful roof-scape of the outstandingly important residential area to the south-east of the King's Road falling within the Royal Hospital Conservation Area.
- 4.10 In considering the proposed development against the relevant, statutory provision and the key national planning policies, it is clear that:
- The proposed development fails to preserve (or leave unchanged) the settings of nearby listed buildings contrary to the provisions of Section 66 of the *Planning (Listed Buildings and Conservation Areas) Act, 1990*;
 - The proposed development is not 'sympathetic to local character and history including the surrounding built environment' contrary to paragraph 130.c) of the *NPPF*;
 - The proposed development fails to make 'a positive contribution to local character and distinctiveness' contrary to paragraph 197.c) of the *NPPF*; and
 - The potential harm to the significance of the two, nearby conservation areas and listed properties as designated heritage assets through the potential impact of the height and bulk of the proposed development on their settings is neither justified clearly or convincingly nor balanced by public benefits contrary to paragraphs 200 and 202 of the *NPPF*.
- 4.11 At paragraph 12.9 of the *Assessment*, it is stated that 'The primary frontage on King's Road is designed as a suitably strong but successful addition to the wider historic streetscape'. At paragraph 12.24 there is reference to 'The introduction of a new building with architecture of exemplary standard' and a claim that 'In our judgement the building will become a building that will contribute positively to the local area'. However, such claims are seriously open to question.
- 4.12 It is difficult to see how the creation of one, single, substantially over-scaled building frontage to King's Road, comprising an unrelieved (be it slightly curving) elevation of fifteen approximately 4m. wide, repeated bays at first and second floor levels and eleven similarly repeated approximately 4m. wide bays at third floor level, many times longer and very much higher than any other building in this part of the King's Road

could possibly be considered as ‘contributing positively to the local area’, let alone establishing any meaningful rapport with the existing historic and other buildings in the area. In every respect, the proposal is in stark contrast to the outstandingly successful Duke of York Square Development towards the north-eastern end of the King’s Road both architecturally and in urban design terms.

- 4.13 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. The true scale of the development in relation to its context is most usefully demonstrated in the revised high-level axonometric view submitted in June, 2023:



5. THE COUNCIL’S PRE-APPLICATION ADVICE

- 5.1 Whilst many local residents have submitted significant and largely justifiable objections to the submitted proposals, it is disconcerting that the Council’s planning officers have provided essentially positive encouragement to the proposals at the pre-application stage.
- 5.2 In their *Pre-application Advice Note 1 of the 21st May, 2022*, the prospective applicants were advised that ‘I am generally supportive of the proposed approach and

scale of development and its representation of a single block (with no courtyard)...’ – paragraph 2.2; that ‘The overall mass is broadly acceptable’. – paragraph 2.3; and that ‘Generally, the scale of the proposal sits comfortably in local views looking east and west along King’s Road. I am comfortable with the overall proposed scale of development, which feels comfortable in townscape views along King’s Road’. – paragraph 2.8; and that ‘In summary, I am supportive of the proposed design and approach to sustainability’. paragraph 6.1. In relation to the potential impact on heritage assets, the only advice offered was provided in paragraph 2.7: ‘While the site is not in a conservation area, it is visible within key views in neighbouring conservation areas and as such, its impact on the character and appearance of the setting (sic) of these conservation areas will be a material consideration at application stage’.

5.3 In their *Pre-application Advice Note 2 of the 23rd December, 2022*, the prospective applicants were advised once again that ‘I am generally supportive of the proposed approach and scale of development and its representation of a single block (with no courtyard)...’ – paragraph 2.2; that ‘The overall mass is broadly acceptable’. – paragraph 2.3; and that ‘Generally, the scale of the proposal sits comfortably in local views looking east and west along King’s Road. I am comfortable with the overall proposed scale of development, which feels comfortable in townscape views along King’s Road’. – paragraph 3.2; and that ‘In summary, I am supportive of the proposed design and approach to sustainability’. - paragraph 7.1. In relation to the potential impact on heritage assets, the only advice offered was provided in paragraph 3.1: ‘While the site is not in a conservation area, it is visible within key views in neighbouring conservation areas and as such, its impact on the character and appearance of the setting (sic) of these conservation areas will be a material consideration at application stage’.

5.4 Regrettably, whilst officers referred to the potential impact of the emerging proposals on the character and appearance of the setting – no mention was made about the potential impact on the significance of adjacent and nearby heritage assets – including listed properties and unlisted properties of heritage significance – in accordance with the key provisions of the *NPPF*. Accordingly, the advice conveyed by planning officers at the critical pre-application stage was deficient.

6. THE ADVICE OF THE KENSINGTON AND CHELSEA QUALITY REVIEW PANEL

6.1 Significantly, in their detailed advice to the prospective applicants of the 22nd May, 2022 and 22nd September, 2022, the Kensington and Chelsea Quality Review Panel offered positive encouragement and subsequently, very keen support, for the emerging proposals, but omitted to offer any comment at all about the potential impact of the

development on the adjacent and nearby designated and non-designated heritage assets:

‘The panel welcomes the improved designs for this important site on the King’s Road. While the scheme is a significant improvement on the previous design team’s proposals, the panel would like to see the architecture imbued with contemporary character and playfulness (sic) for which the new design team is known. It encourages the design team to look at the scheme anew, and to set an ambition that goes beyond improving the previous scheme that goes beyond improving on the previous scheme by giving the new building an even stronger character’ – *Report of Formal Review Meeting 22nd May, 2022*,

‘In general, the panel supports the improved civic presence that the scheme will bring to the King’s Road. However, as noted above, it would like the proposals to be less rigid and to incorporate an element of playfulness. In particular, further consideration should be given to the long elevation fronting the King’s Road, where there is scope for it to strike a balance between creating a coherent whole whilst delivering a more innovative, playful character’ - *Report of Formal Review Meeting 22nd May, 2022*,

‘The Quality review panel applauds the clarity of design thinking to achieve high standards of sustainability and low carbon design for this development. it also offers warm support to the proposed architecture, which promises a positive contribution to this part of King’s Road’ - *Report of Formal Review Meeting 22nd September, 2022*.

- 6.2 Quite clearly, the advice offered by the Panel in relation to ‘quality’ is substantially deficient in the absence of any reference to the heritage significance of the setting of the emerging development and the potential impact of the development on that significance.

7. THE GLA PLANNING REPORT

- 7.1 By contrast to the Council’s *Pre-application Advice* and the advice of the Kensington and Chelsea Quality Review Panel, the GLA’s *Planning Report* of 1st June, 2023 (GLA/2023/0312/S1) highlights the harm caused to ‘four designated heritage assets’ – although ‘at the lowest level of less than substantial harm’ – and devotes a whole section on ‘Heritage’ (paragraphs 45 to 50).
- 7.2 In addressing the issues of height and massing, and architecture and materiality (sic), the report focuses on comparisons with refurbishment alternatives and the earlier scheme and claims wholly questionably that ‘the arched fenestration on the upper floors allows for the proposed building to integrate with the context and ‘meet’ the scale of the neighbouring building (paragraph 31); ‘in the view from King’s Road and Radnor walk, the proposal maintains the materiality (sic) and scale of the immediate

context, improving the overall view and streetscape’ (paragraph 32); and ‘in view (sic) from Flood Street, Bywater Street and Smith Street, the proposal is sitting comfortably’ – concluding that ‘Although there are additional floors and massing compared to the existing proposal (sic), the cohesive language of height, articulation, and materiality (sic) integrates well with the existing character... however, in these views, it is considered that the top floor could be more recessive...’ (paragraph 33).

- 7.3 In addressing ‘heritage’, whilst reciting the relevant London Plan and NPPF policies and acknowledging that the proposed development would be visible in the setting (sic) of a numbers of heritage assets – merely the adjacent and nearby conservation areas and four groups of listed properties – the report concludes wholly questionably that the ‘category of harm’ is either ‘less than substantial’ or ‘no harm’ and that the ‘extent of harm’ is either ‘very low or ‘not applicable’ (paragraph 47) – basing such judgements on merely thirteen of the fourteen ‘as existing’ and ‘as proposed’ views provided by the applicants in the appendices attached to Montagu Evans’ submitted *Heritage, Townscape and Visual Impact Assessment*.
- 7.4 The report goes on to claim, wholly extraordinarily, that ‘Where harm is found, it is at the lowest extent of less than substantial harm’; that ‘in every case, the harm is caused by the slight increase in height on King’s Road of the proposed development from 3 storeys (existing) to 4 storeys (proposed)’, and that ‘this slight (sic) increase in scale is apparent in some views and is ‘slightly (sic) uncharacteristic of the conservation areas and the setting (sic) of nearby buildings’ (paragraph 48).
- 7.5 Similarly open to question, the report goes on to claim that ‘the harm is mitigated to a high degree by the high quality design and appropriate materials of the proposed development and by the way the height is stepped down on the street façade towards the historic buildings’ (paragraph 49).
- 7.6 Unsurprisingly, the report concludes that ‘the proposed scheme’s design quality is strongly supported’ and that ‘the proposal would cause harm to four designated heritage assets at the lowest level of less than substantial harm’.
- 7.7 Quite clearly, the comments contained in the GLA report are substantially deficient in the absence of any clear and sound reference to the considerable heritage significance of the setting of the emerging development and given the marked understating of the potential impact of the development on that significance.

8. CONCLUSION

- 8.1 Taking into account the architects’ submitted ‘as existing’ and ‘as proposed’ plans, sections and elevations; the information provided in Pilbrow and Partners’ and Gillespie’s submitted *Design and Access Statement*, and the fourteen Accurate Visual

Representation before and after views of the proposed development contained in the appendices attached to Montagu Evans' submitted *Heritage, Townscape and Visual Impact Assessment* – in particular Views 1, 2, 3, 4, 5, 13 and 14, it is quite clear that:

- 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.
- 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*.
- 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*.
- 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 HCI 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 January, 2016; and the relevant emerging policies contained in the *New Local Plan Review* of February, 2023.

8.2 On this basis, the Council is urged to refuse the application.

8.3 It is also considered that the very positive support for the proposed development conveyed by Council officers in their formal pre-application advice of the 21st October and the 23rd December, 2022; in the pre-application advice of the Council's Quality Review Panel of the 22nd May and 22nd September, 2022; and in the GLA's Planning Report of the 1st June, 2023, reflects a disturbing lack of recognition of the considerable heritage significance of the setting of the proposed development and of the seriously harmful potential impacts of the development on that significance.

Paul Velluet

26th September, 2023.