

CED020

Local Plan Partial Review – Examination Matters, Issues and Questions Hearing Statement

Matter 3: Delivery of Strategy
Issue 3f: Heritage Assets- Listed Buildings,
Scheduled Ancient Monuments and archaeology

February 2018



THE ROYAL BOROUGH OF
KENSINGTON
AND CHELSEA

Matter 3 – Delivery Strategy

Issue 3f: Heritage Assets - Listed Buildings, Scheduled Ancient Monuments and archaeology

- 11. Is Policy CL4 of RBKCLPPR consistent with national policy in respect of the protection of heritage assets most at risk? Would further modifications to the policy to address the approach to heritage assets most at risk as set out in paragraph 126 of the NPPF ensure the soundness of the policy.**
- 11.1 The amended parts of policy CL4 and supporting text included in this LPPR are only concerned with updating Archaeological Priority Areas. This was in light of new evidence that was provided by Historic England “Royal Borough of Kensington and Chelsea Archaeological Priority Areas Appraisal, July 2016” (SUB42).
- 11.2 This was added into the review because Historic England (a statutory consultee, SA consultee and Duty to Cooperate prescribed body) responded to the Issues and Options consultation question on the scope of the review and alerted the Council that it was reviewing its Archaeological Priority Areas (APAs)¹ (EX009). The Council considered this additional topic could be included into the review as it was an important update of heritage assets within the Borough and had been highlighted at an early stage of the LPPR.
- 11.3 At the Issues and Options consultation stage of the current review no representations proposed CL4 should include specific reference to heritage assets most at risk in Policy CL4 (EX009).
- 11.4 The further updating of Policy CL4 as suggested is not within the scope of this current review. Chapter 34 Renewing the Legacy was recently reviewed and policies adopted in late 2014 as part of a dedicated Conservation and Design Review. At the consultation stage of this 2014 partial review again no representation suggested Policy CL4 should be reviewed to include specific reference to heritage assets most at risk². Most importantly the Inspector’s Report November 2014 (EX010) assessed Policy CL4 in the context of NPPF paragraph 126, in paragraph 30 and further in paragraphs 34-36³. The Inspector concluded the policy to be effective and consistent with national policy subject to one minor modification to Policy CL4d.
- 11.5 The threats of development and demolition to designated and non-designated heritage assets are also addressed by Policy CL1 Context

¹ https://planningconsult.rbkc.gov.uk/gf2.ti/f/752066/23037093.1/PDF/-/IO_Consultation_Introduction_to_the_Partial_Review_Schedule.pdf

² <https://www.rbkc.gov.uk/wamdocs/CD04%20-%20Responses%20to%20Publication%20Consultation.pdf>

³ <https://www.rbkc.gov.uk/pdf/Report%20Cons%20%20Design-%20Amended%20Final%2018-11-14.pdf>

and Character and CL3 Conservation Areas and Historic Places.

- 11.6 Strategic Policy CO5 also provides an overarching strategy for the built heritage. This includes all heritage assets: designated heritage assets; non designated heritage assets; and so would also include all types of heritage assets which are at risk. The policy sets out a positive and comprehensive objective for managing heritage assets referring to maintenance, conservation and enhancement. Such an approach is essential for protecting heritage assets including those which are the most vulnerable.
- 11.7 The supporting text in Chapter 34 paragraph 34.3 -34.4.3 sets out the Corporate and Partner Actions for renewing the legacy. Minor modifications are included in this RBKCLPPR to take account of Historic England's rebranding in 2015. Paragraph 34.4.2 directly references Historic England's National Heritage at Risk Register and this is identified as a partnership strategy. Paragraph 34.4.3 further identifies partner-led projects including:
- 4. The Planning and Borough Development Directorate will continue to reduce the number of buildings and monuments at risk on "Historic England's Heritage at Risk Register" and the Borough's own "Buildings at Risk Register".*
- There is therefore already a positive strategy set out in the Local Plan which commits the Council to addressing the issue of heritage assets which are at risk through neglect and decay.
- 11.8 In addition to these policies and the supporting text the Council uses statutory powers and supplementary documents to protect heritage assets which are most at risk. In the period 1 April 2017- present, three Section 215 Notices have been served on sites in conservation areas on both listed and unlisted buildings. The Council has almost completed a comprehensive programme of new conservation area appraisals (CAAs) for the 38 conservation areas in the Borough. These will be followed by conservation area management plans.
- 11.9 In the consultation process for the LPPR Historic England raised issues at Regulation 19 stage regarding the Heritage at Risk Register and in particular the funeral monuments at risk in Kensal Green Cemetery. Historic England suggested that the plan policies should address a positive approach building at risk SUB 7 page 485-486. The Council consider the policies and the supporting text already deliver such an approach. By way of background the Council is working collaboratively with Historic England to begin to address the significant issues at Kensal Green Cemetery. Kensal Green Conservation Area Appraisal (CAA) is at draft status and the Council is already responding to Historic England's comments to address identified threats to this designated heritage asset including both the buildings at risk and the impact of development at Kensal Canalside Opportunity Area. The Council has commissioned a modelling study to assess the potential impact on views and setting of the designated heritage asset. In addition, in the last eighteen months

seven listed building consents have been granted for decayed funeral monuments and there is an ongoing dialogue of pre-application discussions for the vulnerable grade I Anglican Chapel. This evidences additional proactive and collaborative work the Council is undertaking to fulfill the corporate and partnership strategies in the plan to fulfill Policy CO5.

- 11.10 The combination of CO5, CL1, CL3, CL4 and the corporate and partnership strategies provide adequate protection and a positive strategy for designated and non-designated heritage assets including those most at risk in the Borough. These policies taken collectively are consistent with national policy including para 126 and are therefore sound. A Planning Inspector has very recently considered the Council's conservation and design policies for consistency with national policy which has not changed since. Policy CL4 was concluded to be sound in the 2014 partial review. Additional modifications as suggested are not necessary and would in fact be beyond the scope of the current review. No further modification is necessary to CL4 as it complies with the tests of soundness set out in the NPPF.