



City of Westminster

Committee Agenda

Title: **Planning Applications Sub-Committee (1)**

Meeting Date: **Tuesday 29th November, 2022**

Time: **6.30 pm**

Venue: **Rooms 18.01 & 18.03, 18th Floor, 64 Victoria Street, London, SW1E 6QP**

Members: **Councillors:**

Jason Williams (Chair)
Md Shamsed Chowdhury
Jim Glen
Sara Hassan



Members of the public are welcome to attend the meeting and listen to the discussion Part 1 of the Agenda.

Committee members will attend the meeting in person at Westminster City Hall. The Committee will be a hybrid Meeting and will be live broadcast via Microsoft Teams. Admission to the public gallery is by a pass, issued from the ground floor reception from 6.00pm.

If you have a disability and require any special assistance please contact the Committee Officer (details listed below) in advance of the meeting.



If you require any further information, please contact the Committee Officer, Georgina Wills: Committee and Governance Officer.

**Tel: 07870 548348; Email: gwills@westminster.gov.uk
Corporate Website: www.westminster.gov.uk**

Note for Members: Members are reminded that Officer contacts are shown at the end of each report and Members are welcome to raise questions in advance of the meeting. With regard to item 2, guidance on declarations of interests is included in the Code of Governance; if Members and Officers have any particular questions they should contact the Director of Law in advance of the meeting please.

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

To note any changes to the membership.

2. DECLARATIONS OF INTEREST

To receive declarations by Members and Officers of the existence and nature of any pecuniary interests or any other significant interest in matters on this agenda.

3. MINUTES

To sign the minutes of the last meeting as a correct record of proceedings.

4. PLANNING APPLICATIONS

Applications for decision

Schedule of Applications

Members of the public are welcome to speak on the specific applications at the virtual planning committee meeting.

To register to speak and for guidance please visit:

<https://www.westminster.gov.uk/planning-committee>

Please note that you must register by 12 Noon on the Friday before the Committee meeting.

In the event that you are successful in obtaining a speaking slot at the hybrid meeting please read the guidance, in order to familiarise yourself with the process prior to joining the remote meeting.

(Pages 5 - 18)

All committee meetings open to the public are being broadcast live using Microsoft Teams. For information on participating in the virtual Committee please see the following link

<https://www.westminster.gov.uk/about-council/democracy/stream-council-meetings>

To access the recording after the meeting please revisit the Media link

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|--|--------------------------|
| 1. THE NATIONAL GALLERY, TRAFALGAR SQUARE, LONDON, WC2N 5DN | (Pages 23 - 102) |
| 2. BURLINGTON HOUSE, PICCADILLY, LONDON, W1J 0BD | (Pages 103 - 136) |
| 3. 9-11 LANGLEY COURT, LONDON, WC2E 9JY | (Pages 137 - 164) |
| 4. 18 GREEK STREET, LONDON, W1D 4DS | (Pages 165 - 184) |
| 5. 6A LANGFORD PLACE, LONDON, NW8 0LL | (Pages 185 - 218) |
| 6. GARDEN HOUSE, 1A ORDNANCE HILL, LONDON, NW8 6PR | (Pages 219 - 244) |

**Stuart Love
Chief Executive
18 November 2022**

Order of Business

At Planning Applications Sub-Committee meetings the order of business for each application listed on the agenda will be as follows:

Order of Business
i) Planning Officer presentation of the case
ii) Applicant and any other supporter(s)
iii) Objectors
iv) Amenity Society (Recognised or Semi-Recognised)
v) Neighbourhood Forum
vi) Ward Councillor(s) and/or MP(s)
vii) Council Officers response to verbal representations
viii) Member discussion (including questions to officers for clarification)
ix) Member vote

These procedure rules govern the conduct of all cases reported to the Planning Applications Sub-Committees, including applications for planning permission; listed building consent; advertisement consent, consultations for development proposals by other public bodies; enforcement cases; certificates of lawfulness; prior approvals, tree preservation orders and other related cases.



CITY OF WESTMINSTER

MINUTES

Planning Applications Sub-Committee (1)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Planning Applications Sub-Committee (1)** held on **Tuesday 18th October, 2022**, Rooms 18.01 & 18.03, 18th Floor, 64 Victoria Street, London, SW1E 6QP.

Members Present: Councillors Jason Williams (Chair), Md Shamsed Chowdhury, Ed Pitt Ford and Ryan Jude

1 MEMBERSHIP

- 1.1 Councillor Ed Pitt Ford was present as a substitute for Councillor Jim Glen and Councillor Ryan Jude was present as a substitute for Councillor Ruth Bush.

2 DECLARATIONS OF INTEREST

- 2.1 Councillor Jason Williams explained that a week before the meeting, all four Members of the Sub-Committee were provided with a full set of papers including a detailed officer's report on each application; together with bundles of every single letter or e-mail received in respect of every application, including all letters and emails containing objections or giving support. Members of the Sub-Committee read through everything in detail prior to the meeting. Accordingly, if an issue or comment made by a correspondent was not specifically mentioned at this meeting in the officers' presentation or by Members of the Sub-Committee, it did not mean that the issue had been ignored. Members would have read about the issue and comments made by correspondents in the papers read prior to the meeting.
- 2.2 Councillors Williams, Jude and Chowdhury declared that they had a personal friendship with Councillor Fisher who was present at the Sub-Committee to speak against Item 4 but they had held no discussions with him regarding the application.

3 MINUTES

3.1 RESOLVED:

That the minutes of the meeting held on 23 August 2022 be signed by the Chair as a correct record of proceedings.

4 PLANNING APPLICATIONS

1. ECCLESTON YARD

- 1.1 Use of Eccleston Yards courtyard for markets and events. (A market, selling goods and food, to be held up to twice per week; and Ancillary performance events, such as sports screenings, wellness and fitness classes, workshops like flower arranging and art classes, community events, live theatre, outdoor exhibitions and live music).
- 1.2 Additional representations were received from 8 local residents in support and 6 local residents in objection. No late representations were received.
- 1.3 No amendments were tabled to the conditions.
- 1.4 Ms Jane MacDiarmid addressed the Sub-Committee in support of the application.

RESOLVED UNANIMOUSLY that conditional permission, as amended, be granted subject to the following additional informatives:

- i) the Operational Management Plan to include a contact number at Grosvenor for complaints; and
- ii) noise measurements to be carried out (in consultation with the council's Environmental Sciences Noise Team) during at least two potentially busy and noisy events with the findings to be reported in any future application to continue the use.

2 TROCADERO 40-48 SHAFTESBURY AVENUE LONDON W1D 7EA

- 2.1 The application involves the use of the ground floor of one of the units within the Trocadero complex as a public house. The intended operator is Coyote Ugly saloon who intend to provide an American style bar and restaurant, with recorded and live music and other entertainment (a Sui Generis use).

The key considerations in this case are:

- The acceptability of the proposal in land use terms
- The impact on the amenity of neighbouring occupiers.

For the reasons set out in the report, it is considered that the proposal, with conditions, is acceptable in land use, amenity and highways terms and neighbouring occupiers would not be unduly harmed.

2.2 No additional representations were received. Late representations were received from Councillor Tim Mitchell in objection.

2.3 The presenting officer tabled the following amendments to the conditions:

1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

Reason: For the avoidance of doubt and in the interests of proper planning.

(1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum. (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum. (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council.

Your submission of a noise report must include:

- (a) A schedule of all plant and equipment that formed part of this application;
- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
- (c) Manufacturer specifications of sound emissions in octave or third octave detail,;
- (d) The location of most affected noise sensitive receptor location and the most affected window of it;
- (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (g) The lowest existing L A90, 15 mins measurement recorded under (f) above,;
- (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
- (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason: Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R46AC)

3 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.26 m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property.

Reason: To ensure that the development is designed to prevent structural transmission of noise or vibration and to prevent adverse effects as a result of vibration on the noise environment in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R48AB)

4 The design and structure of the development shall be of such a standard that it will protect residents within the same building or in adjoining buildings from noise and vibration from the development, so that they are not exposed to noise levels indoors of more than 35 dB LAeq 16 hrs daytime and of more

than 30 dB LAeq 8 hrs in bedrooms at night. For any music noise; the indices of Leq and LFM_{ax} in the octave bands 31.5 Hz, 63 Hz Page 47 Item No. 2 and 125 Hz should be at least 10 dB below the existing background noise level measured in terms of L_{90,5mins} (31.5Hz, 63Hz, 125Hz) inside the neighbouring premises. For music noise where access to relevant habitable spaces is unavailable; the design of the separating structures should be such that the received music noise level in the habitable spaces, with music playing, should be demonstrated through calculation to not exceed a rating of NR20 (Leq, day time), NR15 (Leq, night time) and NR30 (LF_{Max}, night time).

Reason: Because existing external ambient noise levels exceed WHO Guideline Levels and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R47AC)

5 You must not allow more than 350 customers into the property at any one time. (C05HA)

Reason: To make sure that the use will not cause nuisance for people in the area. This is as set out Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R05GC)

6 Customers shall not be permitted within the public house premises before 08:00 or after 03:00 each day. (C12AD)

Reason: To make sure that the use will not cause nuisance for people in the area. This is as set out Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R05GC)

7 You must hang all doors or gates so that they do not open over or across the road or pavement. (C24AA)

Reason: In the interests of public safety and to avoid blocking the road as set out in Policies 24 and 25 of the City Plan 2019 - 2040 (April 2021). (R24AD)

8 You must apply to us for approval of an operational management plan to show how you will prevent customers who are either arriving or leaving the building from causing nuisance for people in the area, including people who live in nearby buildings. You must not start the public house use until we have approved in writing what you have sent us. You must then carry out the measures included in the approved management plan at all times that the public house is in use. (C05JC)

Reason: To make sure that the use will not cause nuisance for people in the area. This is as set out Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R05GC)

9 There shall be no primary cooking on site such that you must not cook raw or fresh food on the premises, until details of how cooking fumes will be discharged have been submitted to and been approved by us. The ventilation must run internally within the building terminating at roof level. The approved ventilation system thereafter be retained whilst any primary cooking takes place on the premises.

Reason: To protect the environment of people in neighbouring properties as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022).

10 You must apply to us for approval of details of how waste is going to be stored on the site and how materials for recycling will be stored separately. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to everyone using the restaurant. (C14EC)

Reason: To protect the environment and provide suitable storage for waste and materials for recycling as set out in Policies 7 and 37 of the City Plan 2019 - 2040 (April 2021). (R14CD)

11 You must apply to us for approval of details of secure cycle storage for the public house use. You must not start any work on this part of the development until we have approved in writing what you have sent us. You must then provide the cycle storage in line with the approved details prior to occupation and make it available at all times to everyone using the building. You must not use the cycle storage for any other purpose. (C22HA)

Reason: To provide cycle parking spaces for people using the development in accordance with Policy 25 of the City Plan 2019 - 2040 (April 2021). (R22FB)

12 You must provide the entrance lobby shown on the approved ground floor plan prior to the commencement of the public house use hereby approved. The doors fitted to this lobby shall be self-closing doors and you must not leave these doors open except in an emergency or to carry out maintenance. This lobby shall be retained in situ for the life of the development.

Reason: To protect the environment of people in neighbouring properties as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R12AD)

13 No goods, including fuel, delivered or collected by vehicles arriving at or departing from the building shall be accepted or despatched if unloaded or loaded on the public highway. You may accept or despatch such goods only if they are unloaded or loaded within the curtilage of the building. (C23BA)

Reason: To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in Policy 29 of the City Plan 2019 - 2040 (April 2021). (R23AD)

Informative(s):

1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the City Plan 2019 – 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

2 The whole of the City of Westminster is a Smoke Control Area under the Clean Air Act 1993. Thus premises cannot emit smoke unless burning an 'authorized fuel' or using 'exempt appliances'. Further information can be found at the following government website: <https://www.gov.uk/smoke-control-area-rules>

2.4 Mr Steve Lews addressed the Sub-Committee in support of the application.

RESOLVED UNANIMOUSLY that conditional permission, as amended, be granted

3 MALVERN HOUSE 15-16 NASSAU STREET LONDON W1W 7AB

3.1 Permission is sought for the erection of a single storey mansard roof extension to 15-16 Nassau Street and 40-46 Riding House Street to provide two residential flats.

The key considerations in this case are:

- The impact of the proposed buildings on the character and appearance of the East Marylebone Conservation Area.
- The impact on the amenity of neighbouring residential properties.

For the reasons set out in the main report, it is considered that the proposal, with conditions, is acceptable in land use, design and amenity a terms and neighbouring residential occupiers would not be unduly harmed. As such, the application is recommended for approval.

3.2 Additional representations were received from 4 local residents. No late representations were received.

3.3 The presenting officer tabled the following amendments to the conditions:

1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

Reason:

For the avoidance of doubt and in the interests of proper planning.

2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:

- between 08.00 and 18.00 Monday to Friday;
- between 08.00 and 13.00 on Saturday; and
- not at all on Sundays, bank holidays and public holidays.

You must carry out piling, excavation and demolition work only:

- between 08.00 and 18.00 Monday to Friday; and
- not at all on Saturdays, Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

3 The design and structure of the building shall be of such a standard that it will protect residents within the same building or in adjoining buildings from noise and vibration from the development, so that they are not exposed to noise levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night. Inside bedrooms 45 dB L Amax is not to be exceeded more than 15 times per night-time from sources other than emergency sirens. (C49BB)

Reason:

To ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development, as set out Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021). (R49BB)

4 The design and structure of the building shall be of such a standard that it will protect residents within it from existing external noise so that they are not exposed to levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night. (C49AA)

Reason:

To ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise as set Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021). (R49AB)

5 You must apply to us for approval of details of secure cycle storage for the residential use use. You must not start any work on this part of the development until we have approved in writing what you have sent us. You must then provide the cycle storage in line with the approved details prior to occupation and make it available at all times to everyone using the approved residential units. You must not use the cycle storage for any other purpose. (C22HA)

Reason:

To provide cycle parking spaces for people using the development in accordance with Policy 25 of the City Plan 2019 - 2040 (April 2021). (R22FB)

6 You must apply to us for approval of details of how waste is to be stored on site and how materials for recycling will be stored separately. You must not start work on the relevant part of the development until we have approved in writing what you have sent us. You must then provide the waste and recycling storage prior to occupation of the development and thereafter permanently retain the stores according to these details. You must clearly mark the stores and make them available at all times to everyone using the residential accommodation at fourth floor level. (C14ED)

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in Policies 7 and 37 of the City Plan 2019 - 2040 (April 2021). (R14CD)

7 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the East Marylebone Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

8 You must apply to us for approval of (photographs of) samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the work using the approved materials. (C26BD)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the East Marylebone Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

9 You must apply to us for approval of detailed drawings at 1:5 and 1:20 of the following parts of the development - new dormer windows. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these drawings. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the East Marylebone Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

10 The metal portion of the mansard roof must be patinated to a dark grey colour.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the East Marylebone Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

Informative(s):

1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

RESOLVED UNANIMOUSLY that conditional permission, as amended, be granted.

4 80-82 WARDOUR STREET LONDON W1F 0TF

- 4.1 The application premises has frontages onto Wardour Street and Meard Street. The ground and basement floors are in use as a restaurant pursuant to permission granted in May 1995. A Condition on this permission restricted the use of doors on Meard Street to being used in the case of emergencies only. Permission is sought to enable the doors to be used as general access to the restaurant.

The key issue is the impact on the residential amenity of neighbouring occupiers.

With conditions controlling the hours of use of the doors and that they must be fitted with a self-closing mechanism and not be held open it is not considered the use of the doors by staff and customers would result in an unacceptable impact upon residential amenity in the vicinity. The application is therefore considered acceptable and recommended for approval.

- 4.2 Additional representations were received from 11 local residents, one former Westminster City Councillor, 3 current Westminster City Councillors. Late representations were received from 2 local residents and the Soho Society in objection.

- 4.3 The presenting officer tabled the following amendments to the conditions:

1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

Reason:

For the avoidance of doubt and in the interests of proper planning.

2 The doors from the unit onto Meard Street must be fitted with a self-closing device which must be retained and maintained in this form unless agreed otherwise in writing with the City Council as Local Planning Authority. You must not leave these doors open except in an emergency or to carry out maintenance.

Reason:

To protect neighbouring residents from noise nuisance, as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R13ED)

The doors from the restaurant unit onto Meard Street can only be used for general purposes between the hours of 08:00 and 22:00. Outside these hours the doors can only be used in the case of an emergency.

Reason:

To protect neighbouring residents from noise nuisance, as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R13ED)

Informative(s):

1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

4.4 Councillor Paul Fisher in his capacity as Ward Councillor addressed the Sub-Committee to object to the application.

Mr David Bieda addressed the Sub-Committee to object to the application.

Mr Peter Schulz addressed the Sub-Committee to object to the application.

Ms Marina Tempia representing the Soho Society addressed the Sub-Committee to object to the application.

RESOLVED (Grant: Councillor Pitt Ford; Refuse: Councillors Williams, Jude and Chowdhury)

That the Sub-Committee refused the application on the grounds that the noise escape from the open doors would be harmful to residential amenity.

The Meeting ended at 8.15 pm

CHAIR: _____

DATE _____

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Agenda Annex

CITY OF WESTMINSTER
PLANNING APPLICATIONS SUB COMMITTEE – 29th November 2022
SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Applicant
1.	RN(s): 22/04894/FULL 22/04895/LBC St James's	The National Gallery Trafalgar Square London WC2N 5DN	Remodelling of external gates, replacement glazing and adaption and enclosure of the loggia of the Sainsbury Wing. External alterations to the Wilkins Building, including alterations and part removal of railings, lawn and wall, with new entrance on Trafalgar Square to the Research Centre and Members Room. Excavation of a new basement link between Sainsbury Wing and Wilkins Building under Jubilee Walk, including excavation. Public realm works to the north of Trafalgar Square and Jubilee Walk, including new paving, benches and bollards. New window and external alterations to Pigott Education Centre on Orange Street. Internal alterations to Sainsbury Wing, Wilkins Building and Pigott Education Centre.	C/O The Planning Lab
<p>Recommendation</p> <p>1. Grant conditional permission subject to a legal agreement to secure the following:</p> <p>i. Provision of highway works and works to the public realm necessary to facilitate the development;</p> <p>ii. Provision of and adherence to a Walkways Agreement relating to Jubilee Walk; and</p> <p>iii. The cost of monitoring the agreement.</p> <p>If the Section106 legal agreement has not been completed within 3 months from the date of the Committee's resolution then:</p> <p>a) The Director of Town Planning and Building Control shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate, the Director of Town Planning and Building Control is authorised to determine and issue such a decision under Delegated Powers; however, if not</p> <p>b) The Director of Town Planning and Building Control shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within an appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; if so the Director of Town Planning and Building Control is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.</p> <p>2. Grant conditional listed building consent.</p> <p>. Agree the reasons for granting conditional listed building consent as set out in informative one on the draft listed building consent decision letter.</p>				
Item No	References	Site Address	Proposal	Applicant
2.	RN(s) : 21/08366/FULL 21/08367/LBC West End	Burlington House Piccadilly London W1J 0BD	Internal and external alterations associated with the repair, refurbishment and alteration of the schools accommodation, at lower ground, ground and roof levels; namely internal layout alterations, refurbishment and repair works; external alterations, including the provision of improved services, plant at roof level and new ventilation ductwork including a full height kitchen extract duct to the west elevation, restoration, replacement of existing glazing, roofing at the north elevation, provision of associated roof access equipment, reinstatement of original west entrance, replacement of East Yard tent with	c/o Gerald Eve

CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 29th November 2022
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

			permanent extension building, alterations to East Yard ramp, and associated works.	
Recommendation 1. Grant conditional permission. 2. Grant conditional listed building consent. 3. Agree the reasons for granting conditional listed building consent as set out in informative one on the draft listed building consent decision letter.				
Item No	References	Site Address	Proposal	Applicant
3.	RN(s): 22/02426/FULL St James's	9-11 Langley Court London WC2E 9JY	Erection of additional second floor level extension, installation of kitchen extract duct from basement to roof level, and associated works in connection with use of the building as a restaurant (Class E)..	Adelaide Estates Limited
Recommendation Grant conditional permission.				
Item No	References	Site Address	Proposal	Applicant
4.	RN(s): 21/07849/FULL West End	18 Greek Street London W1D 4DS	Variation of Conditions 1, 2 and 6 of planning permission dated 27 May 2021 (RN: 20/06174/FULL) for the: Use of the rear terrace areas at first and second floor level in association with the existing restaurant/bar use at 18 Greek Street and installation of new balustrades, artificial green wall areas, extended second floor terrace balcony and staircase and between the terraces NAMELY, to allow the use of the terraces at rear first and second floor levels for a further one year period; to provide living green walls and to vary Condition 6 to prevent vertical drinking but to allow customers to walk to or from tables at upper 2nd floor terrace level.	Soho Bars & Clubs Ltd
Recommendation Grant conditional permission including a condition to limit the use of the terraces for a temporary period of one year.				
Item No	References	Site Address	Proposal	Applicant
5.	RN(s): 22/01054/FULL Abbey Road	6A Langford Place London NW8 0LL	Demolition of the existing 3-storey dwelling house, erection of a replacement dwelling house with hipped roof over four storeys (plus basement), with front and rear lightwells, alterations to front boundary including installation of vehicular and pedestrian gates, new hard and soft landscaping and all associated works including air source heat pumps.	Mr K Go

CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 29th November 2022
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

	Recommendation Grant conditional permission.			
Item No	References	Site Address		
6.	RN(s) : 22/00407/FULL Regent's Park	Garden House 1A Ordnance Hill London NW8 6PR	Excavation of a basement beneath building and part of rear garden, incorporating lightwells to front and rear plus associated landscaping to rear (part-retrospective)	SM Planning (Agent)
	Recommendation Grant conditional permission.			
Item No	References	Site Address	Proposal	Applicant
7.	RN(s) : 22/05799/FULL Westbourne	Basement Flat 28 Aldridge Road Villas London W11 1BW	Erection of single storey extension at lower ground floor level.	Pembridge Developments Ltd
	Recommendation Grant conditional permission.			

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Agenda Item 1

Item No.

1

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 29 November 2022	Classification For General Release	
Report of Director of Town Planning & Building Control		Ward(s) involved St James's	
Subject of Report	The National Gallery, Trafalgar Square, London, WC2N 5DN,		
Proposal	Remodelling of external gates, replacement glazing and adaption and enclosure of the loggia of the Sainsbury Wing. External alterations to the Wilkins Building, including alterations and part removal of railings, lawn and wall, with new entrance on Trafalgar Square to the Research Centre and Members Room. Excavation of a new basement link between Sainsbury Wing and Wilkins Building under Jubilee Walk, including excavation. Public realm works to the north of Trafalgar Square and Jubilee Walk, including new paving, benches and bollards. New window and external alterations to Pigott Education Centre on Orange Street. Internal alterations to Sainsbury Wing, Wilkins Building and Pigott Education Centre.		
Agent	The Planning Lab – Ms Kelly Ryder		
On behalf of	The National Gallery		
Registered Number	22/04894/FULL and 22/04895/LBC	Date amended/ completed	17 October 2022
Date Application Received	19 July 2022		
Historic Building Grade	Wilkins (main) Building: Grade I Sainsbury Wing: Grade I		
Conservation Area	Trafalgar Square		
Neighbourhood Plan	Not applicable		

1. RECOMMENDATION

1. Grant conditional permission subject to a S106 legal agreement to secure the following:
 - i. Provision of highway works and works to the public realm necessary to facilitate the development;
 - ii. Provision of and adherence to a Walkways Agreement relating to Jubilee Walk; and
 - iii. The cost of monitoring the agreement.

If the S106 legal agreement has not been completed within 3 months from the date of the

Committee's resolution, then:

- a) The Director of Town Planning and Building Control shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate, the Director of Town Planning and Building Control is authorised to determine and issue such a decision under Delegated Powers; however, if not
 - b) The Director of Town Planning and Building Control shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within an appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; if so the Director of Town Planning and Building Control is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.
2. Grant conditional listed building consent.
 3. Agree the reasons for granting conditional listed building consent as set out in informative on the draft listed building consent decision letter.

2. SUMMARY & KEY CONSIDERATIONS

The National Gallery houses one of the most significant art collections in the world. It will be celebrating its Bicentenary Year in 2024/25 and the National Gallery sees this as an opportunity for relaunching themselves as a gallery for the nation and the world. The planning and listed building application proposals include internal and external alterations to the National Gallery's buildings, excavating underneath Jubilee Walk and public realm works. The goals are to improve the visitor welcome at the Sainsbury Wing, improve the public realm, improve the education and research centres, improve circulation throughout the buildings, to create spaces for members and to improve the energy performance of the buildings.

The National Gallery and the surrounding area are of intense heritage significance and immense national/ international cultural importance. The main gallery building, the Wilkins Building, is grade I listed, and the adjoining Sainsbury Wing is independently grade I listed. Adjoining to the north is the grade I listed National Portrait Gallery, to the east is the grade I listed Church of St Martin-in-the-Fields and to the south is the grade I Trafalgar Square and Nelson's Column – one of the most important public squares/ landmarks in the nation. The site is located within the Trafalgar Square Conservation Area and the Central Activities Zone.

The key considerations in this case are:

- The impact of the proposed internal and external alterations to the special architectural and historic interest of these grade I listed buildings;
- The impact of the proposed external alterations and public realm works on the character and appearance of the Trafalgar Square Conservation Area and the setting of the other nearby designated heritage assets;

- The impact of the proposed excavation on archaeological heritage assets;
- The impact of the proposed development on amenity and local environmental quality;
- The impact of the public realm works on the pedestrians, the highway and the function of Trafalgar Square; and
- The impact of the proposed alterations on the energy performance of the proposed building.

Objectors consider the proposals harmful to the significance of the listed buildings and that this harm is not justified / outweighed by public benefits. Supporters consider the proposals would improve the National Gallery and would result in public benefits, and any harm to the listed buildings is outweighed by public benefits.

This report explains the proposed development/ works would be consistent with relevant development plan policies in the Westminster's City Plan 2019-2040 (April 2021) and the London Plan (March 2021). There would be less than substantial harm to heritage assets, principally the grade I listed Wilkins Building and grade I listed Sainsbury Wing, but this harm is outweighed by public benefits. As such, the proposals are considered acceptable in heritage, townscape, design, land use, amenity, environmental and highway terms and the applications are recommended for approval subject to a legal agreement relating to the planning application and conditions to both the planning and listed building applications as set out in the draft decision letters.

4. PHOTOGRAPHS

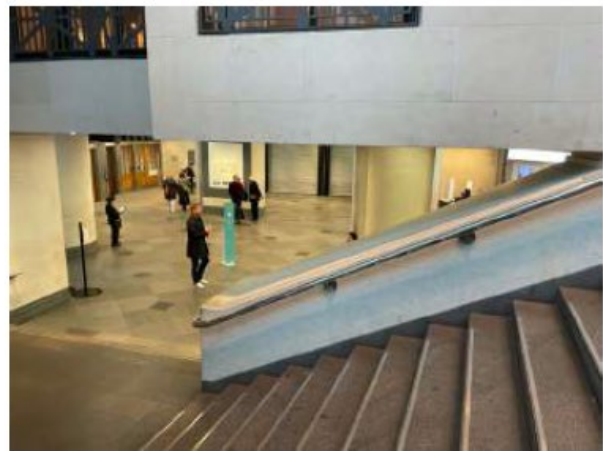
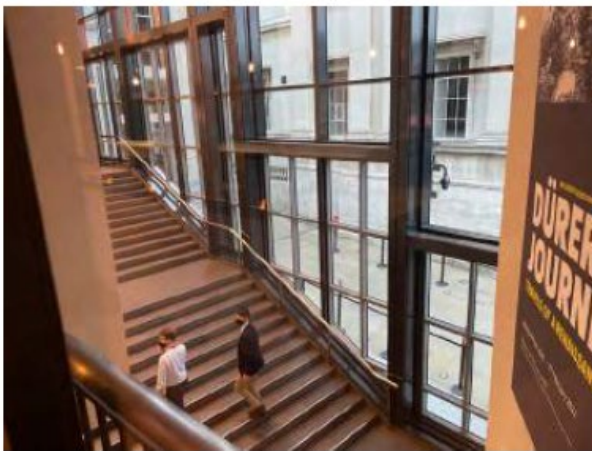


National Gallery from Above



Portico Wilkins Building Left, Sainsbury Wing Right





Internal lobby and stairs of Sainsbury Wing

5. CONSULTATIONS

5.1 Application Consultations

First Consultation

WESTMINSTER SOCIETY:

The aims are admirable and the need for improvements are justifiable and overdue. In relation to improvements by other European galleries The National Gallery is now looking tired and in need of some reinvention to improve the visitor experience.

Although, generally underwhelmed by the ambition to make more uplifting spaces and more extensive improvements. The visuals are very sterile and give nothing away as to the real impressions of the new/remodelled spaces. Westminster Society are hoping between approval and implementation, the design team are braver and bring some joy to the scheme. If not, this will be a lost opportunity.

HISTORIC ENGLAND (Listed Buildings/ Conservation Areas):

The Sainsbury Wing is one of the most special, celebrated and individual buildings of post-war London. It and the Wilkins Building are the principal parts of the National Gallery. They are each of outstanding heritage significance and together form a vital cultural asset. Their very high significance is reflected in the individual grade I listing of each building. Historic England acknowledges the challenges faced by the National Gallery in respect of arrival, access and internal circulation, and the desire to improve the visitor experience of one of the world's most important art galleries. The proposals would cause harm to both of these highly significant grade I listed buildings, however. It would be possible to reduce that harm while still achieving the main objectives of the project. Historic England therefore urge the City Council to seek changes to the scheme before the application is determined.

HISTORIC ENGLAND (Archaeology):

The site is located in a Tier I Archaeological Priority Area at the western extremity of Anglo-Saxon Lundenwic and over the site of the Royal Mews. The applicant has carried out field evaluation and a desk-based assessment, this included trial pits which have found the structural remains of the post-medieval 'Great Stables' under the Wilkins building, and these remains are considered to be of high significance. The proposed basement would cause harm to this buried archaeology, and it is advised to reconsider the footprint/ design of the new basement in order to avoid or minimise harm to the significance of these archaeological heritage assets. Other archaeological impacts could be dealt with appropriately by condition.

HISTORIC BUILDINGS AND PLACES (Formerly ancient monuments society):

The Sainsbury Wing was not designed to be the main entry to the Gallery, but in recent years has assumed this role, and the proposals need to be considered in light of wider access across the whole site. The natural entrance to the National Gallery is the historic grand staircase that is aligned to the centre of Trafalgar Square in the Wilkins Building and the closing of this has greatly diminished its significance and effectively leaves the Wilkins Building as an annex to the Sainsbury Wing. The relocation of the main entrance

to the Sainsbury Wing harms the significance of the heritage assets. The Gallery should reopen the Wilkins Building entrance and the Sainsbury Wing should be an additional accessible entrance, as originally conceived. Without considering other access points to mitigate the overall harm to a listed building, it is difficult to conclude if the public benefits outweigh that harm. Recognise some alteration to the Sainsbury Wing is required, and do not object to the replacement of the glazing to the glass façade or the removal of the non-structural columns. Concern raised regarding the removal of part of the first floor slab by the stair and suggest it should be smaller. Cladding to the columns should be retained and a resolution to the Egyptian columns found.

Much of the work to the Wilkins Building appears reasonable, the new basement would improve circulation and would affect the secondary spaces mainly.

THE VICTORIAN SOCIETY:

The Wilkins Building is characterised by its symmetry which extends across the entire south elevation despite the sloping ground from east to west and minor later alterations to the building. This symmetry is reinforced by the boundary walls and railings, which extend across the elevation, unifying the composition and serving to enhance the sense of a plinth-like base supporting the entire building. The proposal to the boundary wall at the western end of the Wilkins Building to create public realm and a new entrance would result in loss of fabric, destroy the overall symmetry and unit of the composition and emphasis the sloping site which the existing boundary cleverly disguises. The illusionary plinth on which the building appears to be raised would be removed in fragment, and the architectural effect of it profoundly undermined. It would also erode the legibility of the building's historic boundary and relationship to Trafalgar Square, opening the building in a way which was not the architect's intention. It would result in serious harm to the significance of the building. The Victorian Society is unconvinced that these proposals are necessary or demand such harmful changes to the building. Trafalgar Square is already large and it is unclear why more space is required. The new entrance into the Wilkins Building would only be for those using the research and members area – a more modest entrance could have been formed to the side, so this is not justified. There is also opposition to tree planting to the front lawns. The trees would obscure viewing of the building harming the appreciation of it.

THE TWENTIETH CENTURY SOCIETY:

Objection because the proposal involves substantial and unjustifiable harm. Recognition the Gallery needs to adapt to changing visitor numbers and needs and the limited potential to provide adequate orientation space in the portico entrance of the Wilkins Building. However, reject that this must be done at significant cost to the architectural and historic significance of the Sainsbury Wing. The proposal results in harm because of the removal and reduction in size of the lobby columns. The size and number of the columns contribute to the sense of weight and the lobby's function as an anticipatory space. The cuts into the first floor slab also cause harm because the sense of compression could be lost, particularly by the stair and the society considers a more moderate version could be possible. The loss of existing internal finishes, Egyptian-style -deco' columns and internal walls and seating in the Rotunda would also cause harm to the significance of the building.

COUNCIL FOR BRITISH ARCHAEOLOGY:

Any response to be reported verbally.

SOCIETY FOR THE PROTECTION OF ANCIENT BUILDINGS:

Any response to be reported verbally.

THE GEORGIAN GROUP:

Any response to be reported verbally.

METROPOLITAN POLICE (Designing Out Crime):

Any response to be reported verbally.

LONDON HISTORIC PARKS AND GARDENS:

Any response to be reported verbally.

GREATER LONDON AUTHORITY (Trafalgar Square Team):

Any response to be reported verbally.

TRANSPORT FOR LONDON

The proposals do not change any of the existing servicing, waste or delivery arrangements. The Highway works required are on Westminster land and these are a matter for Westminster. London Underground should be consulted on any new planting above TfL tunnel infrastructure. TfL request to be consulted on the Code of Contraction Practice document and future Construction Management Plan.

LONDON UNDERGROUND:

No objection to the proposals, however, request a condition be attached to ensure details of any works around London Underground assets are provided to ensure the infrastructure is safeguarded.

THAMES WATER:

Thames Water provides advice to the applicant regarding sewerage network and requires a condition be attached relating to piling because the site is close to public sewers. Thames water would advise that with regard to both the surface water and foul water network infrastructure capacities, they have no objection. Subject to an informative to advise the applicant, Thames Water have no objections in relation to the water network infrastructure capacity

ENVIRONMENTAL HEALTH:

No comments.

WASTE PROJECT OFFICER:

Details of the waste storage arrangements are not line with the City Council's requirements.

HIGHWAYS PLANNING TEAM:

The site has existing waste storage areas, there would be no change to the off-street servicing provision although the site would benefit from a rapid electric vehicle charger. The majority of trips associated with the site (excluding servicing activity) will be via public transport or other sustainable modes.

PLACESHAPING (Public Realm):

Any response to be reported verbally.

ARBORICULTURAL SECTION:

Concern raised regarding a loss of symmetry to the lawns and a lack of symmetry in the proposed tree planting scheme. Planting single specimens rather than the proposed groups will create a more appealing scheme. Single trees will frame the National Gallery building rather than obscure it and single specimens will be able to reach larger sizes without the need for premature or overly frequent pruning. Concern raised regarding the size of the tree species that have been chosen.

PREPARE AND PREVENT OPERATIONAL CONTEST OFFICER:

Broadly the design of the security within the public realm is appropriate for the location. The detailed design and appropriate rating for the bollard need to be ensured. This includes ensuring the line cannot be undermined by a hostile vehicle while ensuring access onto the North Terrace.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 133

Total No. of replies: 29 (not including duplicates)

No. of objections: 27 (from 25 and individuals/ organisations)

No. in support: 1

No. neither in support or objection: 1

Objections

In summary 25 residents and other interested parties object on the following summarised grounds:

Heritage Impact and Design:

- The Sainsbury Wing is of great architectural significance and the proposals would harm it;
- The proposals would undermine/ harm the original design intent of the entrance lobby of the Sainsbury Wing;
- The Sainsbury Wing entrance lobby is intentionally low and compressed, opening it up by removing parts of the first floor slab and columns is therefore harmful;
- The new the lobby would not respect the existing/ original lobby and would be inappropriate in design/ heritage terms;
- Slight adjustments could be made to the Sainsbury Wing, rather than the proposals, which would improve the functionality of the lobby;
- The reduction in the first floor slabs in the Sainsbury Wing and loss of the restaurant space to a café means one cannot appreciate the views onto the square from there;
- Alterations to the original gates of the Sainsbury Wing/ Jubilee Walk would harmfully change the original character of the gates;
- Removal of the window shades and replacement with internal sunshades in the Sainsbury Wing would be a major change;
- The removal of partitions within the rotunda would harm the significance of the gallery floor level of the Sainsbury Wing;
- The principal entrance to the National Gallery should be the Wilkins Building portico entrance, and transferring it to the Sainsbury Wing is harmful to the significance of the listed buildings;

- The Wilkins Building portico entrance should be altered to incorporate lifts (like other buildings) rather than transfer the principal entrance to the Sainsbury Wing;
- The dark glazing along the stair elevation is integral to the gallery experience and the replacement with clear glazing would be harmful therefore;
- Replacement of stone paving is unnecessary;
- The proposal would result in a more bland and modern style interior
- The submission lacks analysis of other options that have been considered;

Landscaping:

- Loss of part of the western lawn damages the Wilkins Building and Trafalgar Square

Public Benefits:

- Whilst understanding of the need/ pressure to change how the National Gallery functions, this is not outweighed by the harm;
- The National Gallery does not receive as many visitors as claimed, and therefore this undermines the rationale/ justification for the proposals;

Other:

- The proposals would result in more queuing outside;
- Queries whether accessibility issues will continue to an issue and perhaps new lifts will need to be installed in future;
- The proposals would ironically worsen the site's ability to earn income for the National Gallery;
- The National Gallery's representation of the existing entrance at the Sainsbury Wing in their posters (put up within the gallery) makes it appear darker than it is;
- There is no need for more café space;

Support

In summary one interested party supports on the following summarised ground:

- Agree with the principles of the scheme to improve the welcome at the Sainsbury Wing ensuring it is inclusive and to better connect the gallery with the square and improve access, strengthen self-generated earned income opportunities and becoming an exemplar in sustainable and inclusive building design;
- The proposals align with Heart of London's priority to ensure the West End comes back from the pandemic even stronger than before;

Neither in support or objection

In summary one resident states neither support or objection but raises the following query:

- Where are Denise Scott-Brown's comments regarding the proposals published?

PRESS NOTICE/ SITE NOTICE:

Yes

Second consultation (following revisions)

WARD COUNCILLOR HYAMS:

Support. Impressed with the improvements that the National Gallery propose to make.

WESTMINSTER SOCIETY:

No objection to the main proposals and have only one detail concern. Westminster Society question whether alterations to the size of opening into the main staircase is absolutely necessary. We do think the staircase space merits the same level of protection as the galleries above with minimum alteration. Would have liked to have seen the more technical reasoning as to why the Wilkins Building portico entrance could not have been adapted.

No objections to new members area, no concerns regarding external alterations to the buildings. The new public realm area is needed and the loss of the lower ground wall and landscaping is justified. Not convinced that the altered gates are required however. Accept the existing entrance lobby needs to be enlarged. Welcome the reuse of the Egyptian columns. Dislike the glass balustrading. Unfortunate that the toilets are at basement level. Question whether the removal of the floor slab in the Sainsbury Wing is necessary and in particular the size of opening to the main stair.

HISTORIC ENGLAND (Listed Buildings/ Conservation Areas):

Broadly, Historic England categorised the harm of the original proposals in two ways: harm that would arise from works that the Gallery argues is crucial for delivering greater accessibility in all its senses, but which it felt could be handled in ways that better preserve heritage significance; and harm that it felt could not easily be justified.

In relation to the latter, it is welcomed that the revised proposal retains the walls in the Rotunda, the metal entrance gates to Jubilee Walk and Egyptian-style columns. And it is welcomed that the colour of the gates will be rethought and reserved by condition. The Gallery argues that the more substantive proposed alterations for which Historic England have identified harm - including the creation of a new entrance square outside the Sainsbury Wing and the opening-up of its ground-floor spaces - are necessary to accommodate large numbers of visitors and to provide more inclusive access to the buildings and the collection. Historic England continue to acknowledge the challenges faced by the Gallery in respect of arrival, access and internal circulation, and the desire to improve the visitor experience, and understand that some alteration would be required to address these challenges. Historic England welcomes the other alterations to the scheme which introduce greater texture and solidity.

The scheme would still cause some harm to significance as a result of large interventions which would affect the original design of both the Sainsbury Wing and Wilkins Building. For the purposes of the NPPF, Historic England would characterise this harm as less than substantial. However, in relation to paragraph 195 of the NPPF, which encourages local authorities to seek to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal, we think that the harm is now no more than is necessary to secure the objectives that have been identified by the Gallery as being key to the project.

HISTORIC ENGLAND (Archaeology):

The applicant has now submitted a revised interpretation of the archaeological evaluation based on a map regression which has provided considerable comfort in relation to the underground link and its effects on the buried remains of the Royal Mews. This revised mapping analysis now indicates that rather than potentially cutting through

the buried remains of William Kent's stables, the basement excavation would be located in what appears to have been a yard directly to the north. The consequent effects of the proposed works on significance of the buried archaeology are therefore likely to be less than was previously predicted, with any remaining harm capable of being mitigated by a condition requiring archaeological investigation and partially compensated for by public benefits arising from engagement and interpretation both during the investigation and in the completed development.

HISTORIC BUILDINGS AND PLACES (Formerly ancient monuments society):

Welcome certain elements of the revised proposal, such as the retention and reuse of the Egyptian columns and the 'mannerist' cladding to the pillars. However, remain concerned about the level of harm the proposed alterations would have on the significance and integrity of the Grade I listed Sainsbury Wing, as outlined in the original submission. Understand the challenges presented by the building and the operations of the National Gallery and these need to be carefully analysed. It appears that the real, deep-seated problems of visitor circulation and experience are not going to be fully addressed by this scheme, and thus the public benefits would not outweigh the level of harm caused.

Recommends the application is withdrawn and we encourage the National Gallery Trustees to explore a wider range of solutions that will better respect the buildings they have and broaden the visitor experience within the complex. Given the Gallery's ownership of St Vincent House to the rear of the Sainsbury Wing, perhaps a more radical approach is needed, as has happened, for example, with the recently completed new entrance pavilion and visitor sequence to the Museumsinsel in Berlin.

THE VICTORIAN SOCIETY:

Maintains objection. Welcome the changes to the proposals, particularly the omission of trees on the lawns in front of the south elevation of the Wilkins Building. However, it is unfortunate that the Victorian Society's other concerns with the scheme, namely the alterations to the Wilkins Building to form the 'square within a square' remain part of the proposals. These will continue to cause harm to the Grade I listed building and are not adequately justified.

THE TWENTIETH CENTURY SOCIETY:

Maintains strong objection. Welcomes engagement and some suggestions have been taken on board, including the retention of the Egyptian and lozenge columns. However, the majority of the design choices and issues raised previously have been carried over in this revised proposal which will involve substantial and unjustifiable harm to the grade I listed Sainsbury Wing.

COUNCIL FOR BRITISH ARCHAEOLOGY:

Any response to be reported verbally.

SOCIETY FOR THE PROTECTION OF ANCIENT BUILDINGS:

Any response to be reported verbally.

THE GEORGIAN GROUP:

Any response to be reported verbally.

NORTHBANK BID:

Support. The proposals are well considered and will bring forward numerous public benefits. Attracting new members with internationally comparative facilities will ensure the gallery is able to stay world class in changing world. Enhanced working spaces for staff and researchers along with improved research, seminar and reading rooms will ensure the gallery is able to continue to attract talented and creative staff working from a contemporary, healthy and sustainable environment. The proposals to enhance visibility both of the Gallery entrance, its internal art collection and research facilities along with the quality and experience of the public realm are very much welcomed.

TRANSPORT FOR LONDON:

Original comment maintained.

LONDON UNDERGROUND:

Original comment maintained.

BUILDING CONTROL:

The submitted Basement Construction Method Statement and Basement Impact Assessment submitted are satisfactory and meet the requirements of Basement Development in Westminster.

ARBORICULTURAL SECTION:

No objection. Undesirable regarding the loss of symmetry because of the loss of part of the lawns given in this instance the landscaping frames the very formal architecture of the Wilkins Building, and the overall reduction of the soft landscaping is also undesirable. There are now no new trees proposed. However, the initially proposed tree planting appeared likely to obstruct the Wilkins Building and so in this circumstance it could be considered preferable to omit trees from the landscape design. The proposed landscaping shows the existing box hedging around the inner edges of the lawns to be retained. A condition seeking the retention and protection of the lawn and hedge could be beneficial.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 133

Total No. of replies: 71

No. of objections: 7

No. in support: 63

No. neither in support or objection: 1

Objections

In summary 7 residents and other interested parties object on the following summarised grounds:

Heritage Impact and Design:

- Maintenance of previous objection on the grounds that the proposals will harm the interior of the Sainsbury Wing, and the revisions do little to reduce this harm;
- The proposals disregards the original design of the entrance, colour code and glazing having a detrimental impact on the Sainsbury Wing;
- Demolition of a significant portion of the wall of the Grand Staircase is unjustified;

- The Sainsbury Wing entrance lobby is intentionally low and compressed, opening it up by removing parts of the first floor slab and columns is therefore harmful;
- The alterations harm the original design intention of the gates to the Sainsbury Wing;
- Relocating the Egyptian columns to the new shop is inappropriate for them and does not make coherent architecture;
- Denise Scott Brown is opposed to the proposals;
- Historic England's original comments have been ignored;
- The proposals to the Sainsbury Wing would completely nullify Venturi and Scott Brown's original design intent, and the building and its architects are greatly admired;
- The previous proposals to alter the Wilkins Building portico entrance should be revisited and it should be the main entrance;
- The proposals will irreversibly alter the character of the Sainsbury Wing in order to provide an espresso bar and cafeteria;
- Great architects have emphasised the intense experience of moving from dark to light spaces;
- The proposals for the Sainsbury Wing feels as though a modern building is being jammed into it, and it would undermine the thoughtful sequence of spaces in the building;

Landscaping and Public Realm:

- The public realm designs are banal and the proposed LCD signage to the front would harm the entrance of the Sainsbury Wing;

Other:

- The proposals would set a negative precedent.
- Westminster City Council should have refused the applications following the negative responses by Historic England and the Twentieth Century Society - and other prominent people – rather than working with the National Gallery on revisions.

Support

In summary 63 residents and other interested parties support on the following summarised grounds:

Heritage Impact and Design

- The existing Sainsbury Wing lobby is dark, compressed and oppressive and not in keeping with the rest of the building, or reflective of the collection, the proposals are an improvement;
- The existing Sainsbury Wing lobby is not a suitable arrival point, beyond lack of light and height, it fails to convey any drama or excitement suitable at for arrival at a major destination;
- The existing Sainsbury Wing lobby is overcrowded and proposals to provide more space and are welcomed;
- The existing Sainsbury Wing gates are heavy (forbidding) which these proposals would improve;
- The proposals enhances the appreciation of the grand staircase;
- The replacement of the dark glazing to the eastern side of the Sainsbury Wing will bring more light into the building and improve the sense of openness and welcome;
- The removal of part of the first floor slabs within the Sainsbury Wing will improve the sense of openness and welcome;
- The removal of clutter within the Sainsbury Wing will improve the space;

- The functional parts of the Sainsbury Wing should not be preserved in aspic and modifications are required to improve Sainsbury Wing as the main entrance;
- The alterations to the buildings are subtle and well-orchestrated and are in keeping with the original architecture of the buildings;
- The proposals will better reveal the heritage assets;
- The architect for the proposals (Annabelle Selldorf) has a body of work demonstrating her skill, particularly in the art and cultural sectors;
- Signage would make the entrance clear and more legible;

Public Realm:

- The removal of the walled enclosure to western end of the Wilkins Building will allow the Sainsbury Wing to be better appreciated, while allowing underused parts of the Wilkins Building to be brought back into use;
- The symmetrical frontage of the Wilkins cannot be fully appreciated, and the public realm works would positively benefit the public and setting and improve legibility and accessibility in the area;
- The proposals would improve the relationship between the buildings and Trafalgar Square;

Land Use:

- The proposals are necessary for the National Gallery to achieve its full potential to attract visitors/ tourists to the National Gallery and London more widely;
- The number of visitors and their expectations require changes to be made to the buildings on the site;
- Cafes etc work well in museums/ galleries work and including them here is helpful for visitors;

Access and Security:

- Welcome a singular equal access space, meeting the requirements of the Equality Act and building regulations;
- Equal Access at the Wilkins Building portico entrance have been explored and discounted as not feasible/ practical and the Sainsbury Wing is the best place for the main entrance to the site;
- Existing Sainsbury Wing has off putting security and external security which these proposals would help improve;
- The basement link would improve circulation through the buildings on the site;

Public Benefits:

- The proposals will help the National Gallery fulfil its core purpose and allow it to better contribute to the sector as a whole;
- The proposals result in increased community provision;
- Improved education centre and research facilities;
- Increased opportunity for the Gallery to generate income;
- Will improve the experience and enjoyment of visitors, including disabled visitors, and will increase the diversity of the Gallery's audience including the local community;

Other:

- The original donors for the Sainsbury Wing have been kept informed and support the proposals as a sensible and sensitive response;

- Kings Charles's interference changed the path of the Sainsbury Wing and this resulted in the building being compromised, it was a highly political solution on a contested site, and the proposals addresses this;
- The objections are made by a small group of architects representing a small percentage of the nation, opposing works which would improve the National Gallery;
- The National Gallery appointed the correct architect and the other proposals in the competition would have involved far more dramatic changes;
- The applicant/ architect has engaged widely with the community/ stakeholders and has taken on board their suggestions;
- The project will not use public money.

Neither in support or objection

In summary one resident states neither support or objection to the application but raises the following query:

- How would the two statues (King James II and George Washington) outside the National Gallery on the lawns be affected? The UK government is keen that public art is "explained" as well as retained. Will there be any plaque, label or other interpretation of either statue celebrating two men with links to the enslavement of Africans? It seemed a miss opportunity, if not, and one at odds with statements by DCMS and Historic England, among others about so-called "contested heritage".

5.2 Applicant's Pre-Application Community Engagement

The National Gallery carried out engagement with the local community and key stakeholders prior to the submission of their planning and listed building applications in accordance with the principles set out in the Early Community Engagement guidance. The engagement activities undertaken by the applicant (as listed in the submitted Statement of Community Involvement) are summarised in the table below:

Engagement Method/Event/Activity	Date	Attendance	Summary of Discussions
Design team selection process	Early 2021	55 international teams at first stage	Six teams were shortlisted in April 2021, Selldorf Architects were selected on 14 July 2021
Letter to key stakeholders about the appointment of Selldorf Architects	July 2021	n/a	Early concepts were developed
Phase one public consultation including public exhibitions, webinar and dedicated website advertised by flyer to 17,000 local addresses, social media ads, local newspaper ads and separate emails and letters to other key stakeholders	Feb 2022	122 people attended exhibition sessions, 43 online survey responses and 29 written feedback forms received.	Some support for alterations to the Sainsbury wing and research areas, particularly improving light and connections in the gallery. Need to protect queuing customers, Portico should also be used as an entrance/ exist. Opposition for the foyer to be used for other uses.
Phase two public	May to June	68 people	Some support for 'square within a

consultation. Similar methods/ events used to engage stakeholders, residents and community organisations as with phase one.	2022	attended exhibition sessions, 14 online survey responses and 2 written feedback forms received.	square' concept, improvement to visitor amenities and entrance including queuing. Suggestion of hard landscaping, tress and benches on the North Terrace.
The Kaizen Partnership consultation. Including broad outreach and community research, workshops with engagement groups	Broad outreach Nov-Dec 2021 and Workshops Jan Mar 2022	Engagement groups worked with 70 people from different backgrounds.	Changes would make the gallery more welcoming and inclusive. Would make the entrance brighter. Having greeters in front of security would help. Most consider trees an improvement.
Discussions with other groups and statutory consultees	Various dates	Various	Various

In summary, across the range of engagement undertaken by the applicant the following principal issues raised were:

- Access through the Gallery could/ should be improved, including potentially re-opening portico entrance and replacing Sainsbury Wing stair with lifts;
- Design of the entrance/foyer space at the Sainsbury Wing;
- Navigation to and through the Gallery could be improved;
- Improvements to exhibition spaces should be considered;
- The existing buildings could improve catering offering;
- Concern regarding planting trees outside of the Gallery and obscuring it;
- The proposals should ensure visitors are protected if queuing outside;
- Lack of natural light in existing buildings;
- Existing buildings requires improved toilet facilities;
- The alterations should improve the building's energy performance;
- Existing buildings required improved cloakrooms;
- Need for a new bookshop;
- Public access to research areas should be considered;
- Jubilee Walk should be improved as part of the proposals;
- Alternative public entrances should be provided;
- Members space could be designed differently; and
- Could use some of the existing exhibition spaces better

The applicant's Statement of Community Involvement and other application documents indicate that the scheme has been developed in light of the comments received. The Statement of Community Involvement sets out a detailed response to each of the key issues raised, explaining the rationale for proposals and the improvements they have made to the proposals.

As set in section 8 of this report, the applicant further developed their proposals during the course of the application following concerns raised by various interested parties.

6. WESTMINSTER'S DEVELOPMENT PLAN

6.1 City Plan 2019-2040 & London Plan

The City Plan 2019-2040 was adopted at Full Council on 21 April 2021. The policies in the City Plan 2019-2040 are consistent with national policy as set out in the National Planning Policy Framework (NPPF) (July 2021) and should be afforded full weight in accordance with paragraph 219 of the NPPF. Therefore, in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan, which was adopted by the Mayor of London in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 6.2).

As set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 49 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

6.2 Neighbourhood Planning

The application site is not located within an area covered by a Neighbourhood Plan.

6.3 National Policy & Guidance

The City Plan 2019-2040 policies referred to in the consideration of this application have been examined and have been found to be sound in accordance with tests set out in Paragraph 35 of the NPPF. They are considered to remain consistent with the policies in the NPPF (July 2021) unless stated otherwise.

7. BACKGROUND INFORMATION

7.1 The Application Site

The National Gallery is of international importance, housing one of the most significant art collections in the world. The National Gallery has charitable status, is a non-departmental public body and its art collection belongs to the government on behalf of the public. It houses the national collection of paintings in the Western European tradition from the 13th to the 19th centuries. Entry to its main collection is free and it is one of the most visited art museums in the world. The core aim of the National Gallery is *“to care for the collection, to enhance it for future generations, primarily by acquisition, and to study it, while encouraging access to the pictures for the education and enjoyment of the widest possible public now and in the future.”*

The National Gallery is located on Trafalgar Square, which is of intense heritage importance and an internationally recognisable place with immense cultural significance – it is one of the world’s great urban spaces. It has been and remains today the setting for events and celebrations that have shaped history. The National Gallery’s main building is the square’s most prominent building.

The main gallery building, designed by William Wilkins, was built between 1832-38 and was grade I listed in 1970. The Sainsbury Wing, designed by Venturi, Scott Brown and Associates, was built between 1988-1991 and was grade I listed in 2018. The square

itself is a grade I registered park and garden, with the grade I listed Nelson's Column Monument as the focal point. The square contains or is bounded by other listed buildings and structures. This includes the grade I listed Statue of James II and grade II listed statue of George Washington on the lawns outside the Wilkins Building, as well as other listed statues around square, listed street furniture, listed steps and listed terrace walling forming the square. In terms of significant listed buildings in the vicinity, the adjoining National Portrait Gallery to the north is grade I listed, the Church of St Martin in The Fields to the east is grade I listed, Canada House to the south is grade II* listed, South Africa House to the east is grade II* listed and the Former United University Club as well as a terrace on Whitcomb Street to the west are grade II listed. The area forms the Trafalgar Square Conservation Area.

The site is within a tier 1 archaeological priority zone, Lundenwic and Strand, which was one of only a handful of major Middle Saxon international trading emporia in England. Lundenwic is of national and international significance for the study of Anglo-Saxon settlement patterns, governance, commerce and economy. The National Gallery site is also on or adjacent to the remains of the former Royal Mews which went through various iterations in form from 1200s onwards.

The site is within the Central Activities Zone, West End Retail and Leisure Special Policy Area and the West End Strategic Cultural Area. The site is within the largest cluster of cultural and entertainment uses in the country, including Theatreland, Trafalgar Square, the National and National Portrait galleries and Somerset House.

7.2 Recent Relevant History

On 8 August 2017, the City Council granted planning and listed building consent for the removal of existing structures and the erection of infill extensions to the Sunley and Belvedere lightwells, to provide additional Class D1 floorspace, and associated rooftop structures and other internal and external alterations. (RN: 17/03151/FULL and 17/03152/LBC)

On 19 June 2019, the City Council granted planning permission and listed building consent for external alterations to roof, including the installation of two new rooflights and internal alterations to relocate artist studio, reconfigure existing office, studio and storage spaces, and to upgrade existing scanning and infrared studio. (RN: 19/03215/FULL and 19/03216/LBC)

On 21 May 2021, the City Council granted planning permission for the installation of hostile vehicle mitigation security bollards and raising of the height of the perimeter wall of the National Gallery. (RN: 20/06529/COFUL)

8. THE PROPOSAL

The National Gallery will be celebrating its Bicentenary Year in 2024/25 and the Gallery explains they see this as an opportunity for relaunching the National Gallery as a gallery for the nation and the world. The National Gallery proposes alterations to their buildings that they consider will help them achieve their goal to improve the visitor welcome at the Sainsbury Wing, improve the public realm, improve the education and research centres, improve circulation throughout the buildings, to create spaces for members and to

improve the energy performance of the buildings.

To achieve the National Gallery's aims, the applications propose internal and external alterations to the Wilkins Building, Sainsbury Wing and Pigott Education Centre. This includes remodelling of the external gates, replacement glazing and adaption and enclosure of the loggia of the Sainsbury Wing. External alterations to the Wilkins Building, including alterations and part removal of the railings, lawn and wall to the front (western end), in connection with the formation of a new entrance on Trafalgar Square to the Research Centre and Members Rooms. Excavation underneath Jubilee Walk is also proposed to allow the creation of a new basement link between the Sainsbury Wing and Wilkins Building. Public realm works outside the front of the Sainsbury Wing, Wilkins Building and within Jubilee Walk are also proposed, and this would include new paving, benches and bollards. Fenestration alteration and other external alterations to Pigott Education Centre on Orange Street, which is to the rear of the Wilkins Building, is also proposed.

There are numerous internal alterations proposed to the Sainsbury Wing, Wilkins Building and Pigott Education Centre. Most prominently, the internal alterations to the Sainsbury Wing include cuts into the first flooring slab to create more openness, the alteration to internal columns and removal of internal walls. To the Wilkins building, internal alterations include new or enlarged openings, the removal of some partitions and changes to stairs and a new platform lift, amongst other modifications. The reconfiguration of the Pigott Education Centre is also proposed which would include openings into the first flooring slab to draw more light into the building.

Historically, the primary entrance of the National Gallery was through the portico of the Wilkins Building. When the Sainsbury Wing was completed, it became used as a second main entrance. In 2018, the National Gallery changed their operations and the Sainsbury Wing entrance became the only main entrance – and this remains the case today. This was in large part because of the limitations at the Wilkins Building entrance which the Gallery have found to become ill-suited for its original purpose. The Sainsbury Wing has better capacity to handle security checks and it is accessible to all visitors (the portico entrance includes steps and space is more limited within the entrance lobby). An aim of the alterations to the Sainsbury Wing therefore is to improve this entrance in terms of functionality and in terms of visitor experience so it can better serve as the principal entrance to the National Gallery.

During the course of the application, the applicant revised their proposals following concerns raised by objectors and other interested parties regarding the degree of harm that would be caused to the significance of the listed buildings. In summary the applicant made following amendments to the original proposal:

Revisions to the Sainsbury Wing:

- The internal screen walls within the Rotunda at the Main Floor level retained, rather than removed as originally proposed.
- Two large/extended rusticated columns (pill shaped) moved one structural bay to the west. The style, profile and limestone finish of these columns is to be replicated at first floor so that the columns become continuous over two storeys.
- All six of the Egyptian style columns relocated to be part of the design of the new bookshop within the ground floor lobby.

- The remaining structural columns within the ground floor of the entrance Lobby are reclad with Pietra Serena stone with a brush hammered finish, to match the stone used for the columns on the main gallery floor.
- The base detail of the columns to match the detail of the existing round columns within the Entrance Lobby. (Non-structural columns to be removed)
- The first-floor structural columns to be clad in Pietra Serena stone with the same finish.
- The exposed first floor slab edge will be clad in Pietra Serena stone or similar with a rock-faced rusticated finish.
- The glass balustrade to the first floor slab edge will be a misted glass finish without a handrail or metal framing and set back from slab edge.
- The rusticated limestone finish to the west face of the stone wall between the lobby and the stair is to be extended to the full two storey height of the wall.

Revisions to the Public Realm:

- The proposed trees within the lawns to the south of the National Gallery are omitted;
- The colour and finish of the external gates proposed to be dealt with via condition;
- Amendment to the arrangement of bollards at the west end of the North Terrace of Trafalgar Square.

The proposal would result in a gain of floorspace at the basement level of the Sainsbury Wing through the construction of the basement link and at ground floor level of the Sainsbury Wing through the extension of the entry vestibule. However, reductions in floorspace occur where openings in the slab are created to the first floor of the Sainsbury Wing and the Pigott Education Centre. Overall, these reductions outweigh the gains to produce an overall reduction in floorspace, as set out below.

Table: Existing and proposed land uses.

Land Use	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Gallery (Class F1)	22,018	21,714	-304

9. DETAILED CONSIDERATIONS

9.1 Land Use

The proposals seek to improve the National Gallery, in particular the experience of visitors, and to enhance the public realm around the National Gallery. The City Plan encourages the improvement of buildings of international importance within the city and seeks to maintain and strengthen Westminster's strategic role within the London tourist industry and seeks to help contribute to local opportunities to experience arts and culture – as set out in City Plan Policies 1, 15 and 17. In land use terms therefore, the principle of improving the National Gallery is supported and encouraged.

In this case, there would be a loss in floorspace overall because of the proposed cuts into parts of the floor slabs to create double height spaces. However, in the context of the site as whole (22,018 sqm GIA), the loss (304 sqm GIA) in floorspace would be relatively modest. The areas lost are ancillary areas and are in connection with

improvements to the internal environment of the National Gallery for visitors and to allow it to better fulfil its core purpose. Further, the extensions permitted in 2017 (see section 7.2 of this report), which the National Gallery have recently completed, increased the floorspace on the site by 1,062 sqm GIA. The National Gallery explains that those extensions and the current proposals are part of a phased programme of improvements to the National Gallery site to ensure it can continue to be a world class gallery.

The alterations to the Sainsbury Wing would improve security and provide more space and openness for visitors entering. The National Gallery explains better circulation and orientation space within the Sainsbury Wing lobby is required particularly because the Sainsbury Wing has become the only main entrance and because the National Gallery now enjoys over a thousand visitors an hour in peak summer times and approximately 6 million total annual visitors at an entrance the National Gallery explains was designed for no more than 3 million. An objector queries the figures given by the National Gallery stating they are inconsistent with central government figures for museum and gallery visits, however the figures provided in the 'Sponsored Museums and Galleries Annual Performance Indicators 2017/18' document published by the Department Cultural Media and Sport show them to be accurate. While of course the COVID-19 pandemic will have significantly reduced these figures, they are recovering.

Because of the high number of visitors, queuing externally outside the entrance is a common occurrence which these proposals would help mitigate by allowing the creation of a new internal security vestibule. Security checks currently occur externally (under the loggia) which represents a quality of welcome ill-fitting for the importance of the National Gallery. The alterations also seek to improve legibility for visitors, make better circulation through the building and improve the welcome in the lobby.

Some of the alterations to the Wilkins Building focus around improving the research centre, and in association with creating a basement link with the Sainsbury Wing. This would help the Gallery continue to deliver part of its core purpose of researching and educating the public on some of the world's most significant art pieces. The alterations to the Wilkins Building also create a new member's area which would allow for dining and event spaces to be created for paying members of the National Gallery. This element would be more commercial in nature therefore, and the Council's City Plan appreciates that such activities can help arts and cultural facilities to attract additional visitors and generate income to fund their core activities. In this case, the new member's area would not dilute the primary arts function of the National Gallery or compromise its operation given it would be formed in an area left underused by the relocation of staff to the recently built extension permitted in 2017. Given the main gallery spaces and other core areas of the National Gallery would be unaffected, the member's room element is appropriate in land use terms.

Some objectors have raised concern regarding the introduction of an espresso bar on the ground floor of the Sainsbury Wing and the replacement of the restaurant at first floor at the Sainsbury Wing with a café of a reduced size, in particular questioning the need for these facilities. Again, these are not core activities of the National Gallery, but these commercial elements can help generate income to fund the core activities of the National Gallery. These elements would cover a small proportion of the Sainsbury Wing floorspace in areas of the building already used for ancillary activities (the shop on the ground floor and restaurant on the first floor). Therefore, there would be no dilution of the

core arts and cultural facilities on the site as a result of these ancillary uses.

The alterations to the Pigott Centre include improving the welcome at this entrance, and the altered layout would help better deliver the function of this part of the site – which is to provide education, particularly to young people. Updating this part of the site would help the National Gallery better deliver one of its core aims of allowing people to explore and learn about its collection in an more welcoming and fit-for-purpose space.

The proposals would also enlarge the public realm outside the National Gallery, improving the entrance experience for visitors and providing additional public realm for Trafalgar Square. This space would be an addition to the North Terrace which could be used and enjoyed by all members of the public, whether they are visiting the National Gallery or not.

Land Use Conclusion

Overall, the proposals accord with the City Plan's land use objectives through improving one of the world's most significant art galleries to better allow it to provide a welcoming environment for visitors, to better allow it to carry out research, to allow it to generate further income to support its core activities and to allow it to better provide educational opportunities. These improvements represent significant and weighty public benefits. The impacts of the various elements of the proposals are expanded upon in subsequent sections of this report.

9.2 Environment & Sustainability

Energy Performance

City Plan Policy 36 promotes zero carbon development and expects all development to reduce on-site energy demand and maximise the use of low carbon energy sources. Policy 38 requires development to adhere to the principles of sustainable design, including reducing energy use and emissions and ensuring the reduction, reuse or recycling of resources and materials. The City Council's Environmental SPD details guidance on environmental and sustainability matters.

Because the application does not involve the creation of a significant amount of new floorspace, the requirements of the City Plan and London Plan in relation to a full Energy Strategy do not apply. However, the applicant has included within their sustainable design statement detail of their approach to the design to maximise energy efficiency and minimise carbon emissions in line with the energy hierarchy.

The proposals involve upgrades to the existing building's fabric, principally upgrading glazing which, would improve the building's energy performance. The internal alterations also expose the thermal mass of the building, and the statement concludes this will help to maintain a stable temperature in the building and therefore reduce energy demand. The proposals involve the installation of efficient lighting and lighting control, utilising LEDs and sensors, and the internal upgrading the ventilation system to allow it to operate more efficiently. The internal upgrading of the building's services would not involve the addition of new/ replacement external plant equipment or other external alterations. Indeed, the roofs of the buildings are outside of the scope of this application

and the proposals do not involve the installation new equipment such as photovoltaic panels or heat pumps. The statement estimates the measures the applicant proposes would reduce regulated carbon emissions by 19% in the Sainsbury Wing and 16% in the Wilkins Building.

The applicant's sustainability statement also explains how they have incorporated the principles of the circular economy into their proposals. This includes designing new elements for longevity, and elements that will need to be replaced could be reused and recycled. They explain they have sought to retain fabric rather than remove and rebuild, where this is possible and whilst achieving the National Gallery's objectives.

Overall, the improvement of the buildings' energy performance is welcomed and would constitute a public benefit given it would help the National Gallery reduce energy use and emissions.

Flood Risk & Sustainable Drainage

The site is within Flood Risk Zone 1, which means it has less than 1 in 1000 annual probability of river or sea flooding (<0.1%) – which is low. Furthermore, Westminster is well defended from river flooding due to the flood defences in place on the Thames.

The City Plan identifies the site as within a Surface Water Flood Risk Hotspot. The hotspot is large and not all parts of the area is necessarily at high risk of surface water flooding. The applicant's site-specific flood risk assessment indicates that the site is generally at a very low risk of flooding from surface water. It concludes that because that levels on site will be in keeping with existing levels, the risk of flooding from surface water is negligible. Indeed, the new basement link would be formed off an existing basement level within the Sainsbury Wing.

In terms of drainage, the site includes several private drainage networks connecting the National Gallery to Thames Water sewers nearby. The applicant reports the proposals would maintain a similar discharge rate which is appropriate in this case given the relatively limited nature of the external works to the buildings and public realm. Thames Water agrees to the proposal of maintaining the existing surface water discharge rates of 9.3l/s. Thames Water have also provided advice regarding sewerage infrastructure which is added as an informative, and they require a condition to require the applicant to provide details of piling in order to ensure that it does not damage sewerage infrastructure.

Consequently, the proposals are acceptable in terms of flood risk and drainage.

9.3 Biodiversity & Greening

City Plan Policy 34 states that, wherever possible, developments will contribute to the greening of Westminster by incorporating trees, green walls, green roofs, rain gardens and other green features and spaces into the design of the scheme. Developments should also achieve a biodiversity net gain, wherever feasible and appropriate.

The National Gallery site currently has limited amounts of planting. Six trees are located at the end of Jubilee Walk, by St Martin's Street, and there are lawns to the front of the

Wilkins Building. These lawns are largely symmetrical and well kept. The application proposes to reduce the western section of the lawn to allow for a new entrance into the Wilkins Building and to enlarge public space in this area. This aspect of the scheme is further discussed in later sections of the report (section 9.4 and 9.6)

Initially the application included proposals to plant new trees on the remaining lawns and potentially trees on Trafalgar Square. The applicant has since omitted these new trees their proposals. The City Council's arboricultural officer, the Victorian Society and others had raised some concern regarding the new planting, particularly because the new trees on the lawns would be in groups and could be incoherent and could grow to obscure the Wilkins Building.

The current proposals include retaining hedging on perimeter of the lawns alongside the boundary walls. While additional greening would have been welcomed in the context of Policy 34 and given part of the lawns are to be lost, the heritage sensitivity of the site must be recognised, and this limits the scope to achieve new planting.

9.4 Townscape, Design & Heritage Impact

Legislation & Policy

The key legislative requirements in respect to designated heritage assets are as follows:

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that "In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

Section 66 of the same Act requires that "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

Section 72 of the same Act requires that "In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

Furthermore Chapters 12 and 16 of the NPPF require great weight be placed on design quality and the preservation of designated heritage assets including their setting. Chapter 16 of the NPPF clarifies that harmful proposals should only be approved where the harm caused would be clearly outweighed by the public benefits of the scheme, taking into account the statutory duty to have special regard or pay special attention, as relevant. This should also take into account the relative significance of the affected asset and the severity of the harm caused.

Key consideration is also given to policies 38, 39, 40 and 43 of Westminster's City Plan 2021.

Policy 38 Design Principles (A) states that new development will incorporate exemplary standards of high quality, sustainable and inclusive urban design....(B) respond to Westminster's context by positively contributing to Westminster's townscape and streetscape.

Policy 39 Westminster's Heritage: With regards to listed building, part (G) states that: Works to listed buildings will preserve their special interest, relating sensitively to the period and architectural detail of the building and protecting or, where appropriate, restoring original or significant detail and historic fabric.

Part (K) Conservation Areas, states that development will preserve or enhance the character and appearance of Westminster's conservation areas. (L) goes on to states that there will be a presumption that unlisted buildings that make a positive contribution to a conservation area will be conserved.

Policy 40 Townscape and Architecture, states that (A) Development will sensitively be designed, having regard to the prevailing, scale, heights, character, building lines and plot widths, materials, architectural quality, and degree of uniformity in the surrounding townscape. (B) goes on to state that: Spaces and features that form an important element in Westminster's local townscapes or contribute to the significance of a heritage asset will be conserved, enhanced and sensitively integrated within new development.

Part (D), states that alterations and extensions will respect the character of the existing and adjoining buildings, avoid adverse visual and amenity impacts and will not obscure important architectural features or disrupt any uniformity, patterns, rhythms or groupings of buildings and spaces that contribute positively to Westminster's distinctive townscape.

Policy 43 Public Realm, part (A) explains that development will contribute to a well-designed, clutter-free public realm with use of high quality and durable materials capable of easy maintenance and cleaning, and the integration of high-quality soft landscaping as part of the streetscape design.

Sainsbury Wing

The Sainsbury Wing's Portland stone façade is articulated by pilasters and blind windows along its folded form, which were purposefully designed to respond to the classical architecture of the Wilkins Building to the east, whilst introducing a post-modern vernacular. This is evident as the facade expresses a simpler order along its southern façade. Here a substantial multi-paned picture window overlooks Pall Mall East and Egyptian deco style columns express the southern entrance apertures, which form part of a sequence of double height flat headed opening of various widths, which are protected by steel metal gates and railings. The western return of the building to Whitcomb Street is all together more functional, with a buff brick construction and very little architectural expression other than glazed shopfronts and modestly detailed windows above. The eastern facade of the building, facing Jubilee Walk, is composed entirely of an aluminium framed glazed curtain wall, which extends northward to a cantilevered stone rotunda which spans Jubilee Walk. On completion in 1991, the Sainsbury Wing was intended to provide a second entrance to the National Gallery, however, since 2018 it has been the sole main entrance providing street level access and has the capability of providing space for security measures. Containing sixteen

galleries specifically designed to house the Early Renaissance collection, this entrance arrangement allows a broadly chronological journey through the collection. The building also accommodates a shop (currently closed), public facilities, restaurant, and lecture theatre.

A large extent of the interior of the Sainsbury Wing is predominantly finished in Chamesson limestone, with rendered grey sandstone walls within the Gallery spaces. The gallery spaces, which are on the upper floors, are accessed by a monumental staircase which ascends the building along its eastern side.

As its grade I listing indicates, the building is of high architectural importance, its significance deriving from its post-modern style and the only example of Venturi, Scott Brown's work in the country.

Robert Venturi (1925-2018) and Denise Scott Brown (1931) met in 1967 and went on to design a number of buildings together and individually, including large numbers of houses, university buildings and art galleries, including Seattle (1991) and the Museum of Contemporary Art in San Diego California (1996). There are very few examples of their work outside of the United States. The Sainsbury Wing is recognized as being a significant example of a post-modern building by a leading architect of this movement.

They are well renowned for being theorists and for Venturi's early buildings that first defined post-modernism in the 1960s. Postmodernism began to be used as a term in architecture in the 1970s to classify the modern movement that incorporates references to older architectural traditions, and notably more aware of setting and context. This can be clearly appreciated in main façade of the Sainsbury Wing, which reproduces the Corinthian columns, cornice line, string course capitals of the Wilkins Building, in a manner which combines both the modern with traditional.

It is understood that Venturi & Scott Brown's vision for the building's interior was for it to provide one place of entry for the visitors, and for the eye to be drawn to the light and towards a 'unambiguous' staircase, which would lead to the gallery spaces and art above. It is understood that the materials of the stair and its wall were purposefully chosen to suggest an outside stair, but also were influenced by Italian architecture and mannerisms. The lobby of the building is often described as emulating a church crypt due to its low floor to ceiling heights and compressed quality, which is clearly an intentional feature for the visitor to experience. However, these design qualities bring with them functional challenges, which erode the visitor experience.

The defining significance of the Sainsbury Wing is an architectural one, as a recognised exemplary example of postmodernism and its intactness physically and conceptually. It also possesses historic interest largely due to the debate that surrounded its conception, including choice of architects and the style of architecture chosen for such a high-profile scheme. It also possesses group value with the neighbouring Wilkins Building, which is grade I listed in its own right, as well as with Canada House (grade II star) and the structures that form Trafalgar Square.

Sainsbury Wing Proposals

The National Gallery have identified a series of constraints and challenges presented by

the current design of the Sainsbury Wing, exacerbated by an increasing number of visitors and the security requirements upon entry. They have identified that the space in which visitors enter the building is inadequate and its legibility poor: the entrance vestibule being more defensive than welcoming, and the lobby itself is poorly lit, with wayfinding hindered by columns which restrict views to the lifts and obscures the entrance to the theatre and temporary exhibition spaces. There are also spaces which are underused, with the restaurant at first floor level and the ground floor book shop having been redundant spaces for some time.

The current proposals have been amended during the course of this application and following initial consultation responses. As a result, certain aspects of the original proposal have been omitted or altered. These changes include the removal of the works inside the rotunda, the removal of trees from the lawns and reimagining the interior details of the ground floor lobby space, notably its materiality and aesthetic.

Internally, the proposals include a reconfiguration of the entrance vestibule, ground floor lobby and first floor former restaurant space, as well as the creation of a basement link to the Wilkins Building. The intention is to maintain elements of high architectural and aesthetic significance, such as its principal stone façade, notable interior details (such as deep cornices and rusticated wall finishes) and principal spaces such as the grand staircase and galleries, which will remain unaffected by the proposals.

To facilitate a more open and welcoming entrance, with improved security, the scheme removes the draft lobby and rotating doors, features which are entirely functional rather than exhibiting architectural or aesthetic value. In their place a clear glazed double height entrance vestibule will be installed which would lead into a newly configured ground floor lobby. The enlarged vestibule will provide a larger dedicated space for security measures and allow for queuing under the loggia, as opposed to the current situation where queuing extends along Jubilee Walk because the security measures are under the loggia. The introduction of clear glass to the frontage within the loggia will create a less defensive appearance and provide a visual connection into the building. Proposals also include reconfiguration of the entrance gates to both the entrance of the building and Jubilee Walk allowing the gates to fully retract back which will remove the need for the centre posts which restrict flow into the building. It is also intended to reduce the thickness of the gates and modify their colour to reduce their visual weight and improve their functionality. Whilst the gates are being modified, a large extent of their fabric and aesthetic is being retained, overall, their contribution to the significance of the building as an original feature fashioned by VSB will be somewhat diminished. Externally the alterations also include the replacement of the smoked glass to the curtain wall system in the east side of the wing, facing Jubilee Walk, with clear glass, allowing for more transparency which will allow external views of the grand staircase. To encourage pedestrian flow through the site from Trafalgar Square to Leicester Square, via Jubilee Walk, it is intended to reconfigure the existing gates allowing them to fold back completely to the walls of the Sainsbury Wing and Wilkins Building. Like the entrance gates, the Jubilee Walk gates will be reduced in thickness and their colour modified, thus their contribution to the significance of the building is somewhat diminished.

Moving internally, the lobby itself will be enlarged with the removal and reconfiguration of partitions which currently create back of house spaces and visitor facilities. Also

intended is the removal and repositioning of columns and the creation of two double height spaces, to the east and west of the lobby, by cutting back the first-floor slab.

The two double height spaces will allow more natural light into the central lobby area and allow visitors to glimpse the first floor, at the same time a sense of compression as you enter the lobby, a key feature of Venturi Scott Brown's design, is largely maintained. As part of improving both circulation and legibility, the proposals include the remodelling and removal of some of the structural columns, resulting in a more open lobby space. Some of the larger structural columns are to be removed, but where they are being reinstated, they will be reduced in size. The non-structural decorative Egyptian style columns, which featured in the former shop, are to be retained and repositioned within the new retail space.

The reconfigured basement, lobby and first floor will provide additional visitor facilities, such as new information points and signage, including a digital screen. Also, an espresso bar, lounge area, changing places, accessible WCs, providing street level facilities for the first time. A new book shop will be accommodated on the first floor alongside an informal cafe and bar. A new event space will also be provided on the first floor which will overlook the lounge area below.

The new finishes within the lobby intend to complement the existing materiality and character of the space without imitating the original details. The new structural columns will be re-clad in Pietra Serena sandstone, whilst the two larger double height lozenge-shaped columns that will be repositioned further west will be re-clad with rusticated limestone with granite skirts. Tying in with the materiality of the lobby, the face of the cut back slab will also be finished with a textured Pietra Serena sandstone. The glass balustrade above will be acid etched with a smoked finish to reduce its reflectivity.

Also proposed is a new basement level link between the Sainsbury Wing and the Wilkins Building, which will extend the footprint of the building beneath Jubilee Walk. This additional space will provide both a physical connection between the buildings and offer direct access to the research centre, as well as a space for additional visitor facilities.

From a listed building and townscape perspective the basement link will be connected to areas of moderate interest and will not diminish the understanding of the internal plan form and spaces of both buildings. On the surface, the basement will have no external features.

Impacts and Assessment of Harm to Sainsbury Wing

The architectural and aesthetic significance of the Sainsbury Wing derives from it being a prominent and notable example of Post-Modern architecture by the highly influential architectural practice of Venturi Scott Brown Associates. This significance is expressed both to the exterior – notably the rippled stone façade to Trafalgar Square -and the interior. In the case of the latter, notable elements include the internal plan form particularly the gallery spaces, as well as significant architectural features such as the grand staircase and interior features such as the rusticated stone dressings. There are however elements within the lobby and first floor which are deemed more functional than aesthetic, such as the modern reception desk, lighting, partitions, ceilings, floors, and glazing, which are considered of medium to low aesthetic value and architectural

significance.

A modest degree of the original Venturi Scott Brown scheme, including plan form, internal and external fabric, will be affected by the proposal, but only at lower ground, ground and first floor levels. These areas are generally more functional in character and for the most part felt to possess a moderate to low level of significance.

It is however acknowledged that some original fabric will be lost, such as the coverings to columns and most notably parts of the first-floor slab, which will see the removal of the floor and the wall and windows above the base of the principal stair. However, notable decorative elements such as the deco columns are being retained and repositioned within the lobby space, and the rusticated details of the columns will in some instances be replicated.

The tinted glazing installed within the entrance and along the eastern façade is understood to have been a function choice, rather than an aesthetic one, therefore whilst the clear glazing will alter the appearance of the building, it is not felt to affect the architectural significance of the building.

Given the loss of some significant fabric, and the impact on the original plan form, overall, the proposals to the Sainsbury Wing are considered to cause less than substantial harm to the significance of the building.

Consultation Comments and Objections Regarding Sainsbury Wing

Numerous objections, including from the Twentieth Century Society, have been received in reaction to the proposed works to the Sainsbury Wing on the grounds of harm to the grade I listed building.

Some of the concerns raised by The Twentieth Century Society (and others) including the loss of the Egyptian columns and lozenged-shaped columns, have been addressed by the amendments. However, the Society (and others) maintain their objection on the grounds of the proposals involving substantial and unjustifiable harm being caused to what is an internationally important post-modern building by renowned architects.

The Twentieth Century Society have classified the harm to the building as substantial. Substantial harm is a high test and would typically involve a serious and significant loss of significance.

Historic England's initially expressed concerns with regards to proposed internal alterations have largely been addressed by the revised proposals, but they also initially raised concerns that a realisation of the Gallery's objectives came at the expense of the original internal character of the Sainsbury Wing lobby – as a space rich in details and texture and that there was a need for a more careful balance.

In their comments received following the second round of consultations. Historic England acknowledged that the dialogue between the new works and existing character of the internal spaces have been handled in a way which is more supportive. They consider these changes along with a greater retention of existing features as more positive. They conclude that the proposals will cause some harm to significance, which in line with the

NPPF they categorise as less than substantial.

They go on to conclude that the benefits identified include improved accessibility across the site, enhanced security, improving the presentation and functionality of the Gallery – a public building which relies upon visitor numbers to support its operation. These are considered persuasive public benefits which both justify and outweigh the level of harm proposed (this is expanded upon elsewhere in this report).

Historic Buildings and Places, and other objectors, have questioned why the original nineteenth century entrance cannot be reinstated to avoid the intervention to the Sainsbury Wing.

The Sainsbury Wing has however been an entrance to the Gallery since its opening and became the sole main entrance to the collection in 2018. It is understood that reinstating the main entrance at the portico of the Wilkins Building has been considered on numerous occasions in the past and rejected by the Gallery, most notably because of the prevailing advantages of using the Sainsbury Wing as the main entrance: namely that it is an accessible entrance (the portico has steps) and has the capability to provide the necessary space for security. And because of the practicality and feasibility of providing an entrance with the same characteristics elsewhere. For the portico entrance to provide the same benefits (particularly equal access and more space internally), the National Gallery would have to propose more significant internal and external alterations than that which they propose to the Sainsbury Wing under this application. Furthermore, as the Sainsbury Wing was specifically designed to house the early Renaissance collection of the Gallery, its role as the principal entrance has the beneficial effect of allowing a chronological journey through the collection. As such the National Gallery consider reinstating the historic main entrance to the Wilkins Building as the Gallery's main entrance is neither practical nor feasible.

Many comments have been received which highlight that as a grade I listed building with considerable architectural significance, the Sainsbury Wing's grading means the greatest weight should be given to its conservation. Similarly, there are objections on the grounds that the proposals compromise the original architectural intent of the designers and thus cause harm to significance and should be rejected. Notable amongst these concerns are the changes to the ground floor entrance lobby – where the intentionally compressed nature of the lobby is eroded and its relationship and experiential qualities with the grand staircase, taking the visitor directly to the gallery spaces above is compromised.

There are of course numerous elements of the Sainsbury Wing which have been identified as being of high significance, including the facade, principal staircase, and galleries, which will be largely unaffected by the proposals. Still, the alterations to the entrance loggia, vestibule and lobby will affect original fabric and how visitors navigate and experience the building. However, in many cases these areas and fabric are predominantly functional in character and of modest to low architectural and aesthetic interest. Nevertheless, it is accepted that the alterations to the lobby space do impact areas of high architectural significance.

It is acknowledged that the cutting back of the first-floor slab creating two double height voids is a significant intervention, resulting in the irreversible removal of original fabric

and modifying the original floor plan, creating a volume between the lobby and stairs which was not originally intended. Likewise, the removal and reconfiguration of the columns will alter the spatial quality of the lobby. Both sets of alterations erode the compressed experience envisaged in the original design. On the other hand, the interventions enable the influx of natural light into the lobby and will improve the functionality of the spaces as well as creating additional spaces. This is hugely beneficial for the visitor experience in terms of navigating the lobby and providing the gallery with additional well-designed and functional spaces within these communal areas to support the primary functions of the National Gallery, which fundamentally relies on visitors and whose core purpose is an institution for the public. Aesthetically, the carefully considered material palette of complimentary natural materials exhibiting muted tones and textures, avoids replicating the original interior, whilst being respectful to the original design intent of the building.

The Planning Practice Guidance (PPG) advises that “in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest.”. With regard to the Sainsbury Wing this is not felt to be the case. Some elements affected by the proposals, such as the lobby columns, first floor slab and first floor retaining wall to staircase do make a moderate contribution to the significance of the building, however their loss or alteration is assessed to not seriously affect the building’s overall significance. The officers assess the level of harm to the Sainsbury Wing as being a moderate degree of less than substantial harm.

Nevertheless, any harm, particularly to a grade I listed, should be avoided and to accept it will require clear and convincing justification and in the case of less than substantial harm must be weighed against the public benefits.

According to the PPG, public benefits may follow from many developments and could be anything that delivers economic, social, or environmental objectives. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits, for example, works to a listed private dwelling which secure its future as a designated heritage asset could be a public benefit. Securing the optimum viable use of a heritage assets in support of its long-term conservation is considered a public benefit.

Wilkins Building

Designed by William Wilkins in 1831, the Wilkins Building was completed in 1838 to house the Angerstein Art Collection, comprising 38 paintings, purchased by the government in the 1820s. The building was designed to ‘command’ the north side of the newly conceived Trafalgar Square and comprises lower ground floor, ground floor and first floor which houses the galleries. The building is in a classical Graeco-Roman style and features a central two-story portico with pediment and fluted Corinthian columns, which was originally the main entrance to the gallery. The building has been extended numerous times, firstly in the 1860s then notably by EM Barry in 1870. Over the last century extensions have infilled the courtyard and created galleries to the north and the Pigott Education Centre (1975). In 2003 the setting of the building was significantly altered with the creation of the pedestrianised terrace to the north of Trafalgar Square.

Grade I listed in 1970, the building is nationally important as a building of great architectural and historic interest. Its high significance derives from its function as the home of a national art collection as well as its architectural and historic value.

Proposals to Wilkins Building

The proposals are limited to the western corner of the Wilkins Building, affecting its internal arrangement, facade and perimeter wall and lawn. These works will also facilitate the creation of a new public space. The western wing currently houses former staff offices, library and research centre. Currently access to these spaces is via a stepped staff entrance, meaning the spaces are largely inaccessible and visually concealed from public areas of the gallery.

Following the completion of the extensions permitted in 2017, staff have been relocated to the new office space leaving the former staff areas underused. The ground floor offices include high quality interiors, whilst the lower ground floor spaces, concealed by a high retaining wall, are more utilitarian with modern interiors. The ground floor areas have been altered in recent years and include both original and modern fabric, some of which has been designed to appear historic. The arrangement of the rooms has also evolved over time; however, the original plan form can still be understood. The lower ground floor spaces, which were originally intended as private apartments for the keepers of the Gallery, hence the courtyard and high retaining wall, have also been modernised but are not entirely without significance, and include architectural features of interest, such as brick-built arches and vaulted ceilings surviving in some areas and holding evidential value.

The intention of the proposals is to provide a suite of members rooms, as well as a dedicated entrance to the research wing, accessed directly from the enlarged public square. Internally the ground and lower ground floor rooms will be reconfigured to provide a self-contained set of rooms for members and entrance lobby with access from street level which internally will provide access to the exhibit spaces, research centre and event space. These alterations will predominantly affect fabric of medium-low significance, such as non-original partitions. A large extent of surviving original/traditional interior details will be retained and replicated within the principal spaces, and architectural features revealed. The contemporary additions such as the circulation space and staircase, which will connect the basement link from the Sainsbury Wing, will be introduced toward the rear of the floor plan within the southwest corner of the building, and will have a respectful and complementary relationship with the traditional rooms whilst clearly being contemporary.

A new fully accessible entrance to the members suites and research centre will be achieved by removing the tall retaining wall, railings, and lawn of the southwest corner of the Wilkins Building and remodelling of the lower ground floor façade. The façade of the lower ground floor is rendered brickwork and incorporates a variety of later windows. The finish and appearance of this part of the building is inconsistent with the high-quality original stone facade above. The intention is to remove the render and re-clad the facade with Portland stone ashlar and introduce a new string course to tie in with the facade above. As well as a new entrance door, the window arrangement is to be modified to align with the windows above. The simple detailing proposed aims to respect the

traditional hierarchy of the facade.

Impact and Assessment of Harm to Wilkins Building

The southwestern corner of the Wilkins Building is architecturally defensive, which is an understandable attribute when the building originally faced directly onto a busy road. But with the removal of traffic from the North Terrace, this defensive quality does isolate the building from the public space immediately adjacent to it. It is also evident that the form and details of this corner of the build has evolved over time and is not of the same quality as the upper floors, and the retaining walls and railings have been altered from their original arrangement. The lawned area has been through a series of changes which have affected its form and appearance, originally enclosed by railings until the Second World War.

Notwithstanding the various alterations which have clearly taken place, there are elements of the fabric within the walls which are of evidential and historic significance, such as the cornice, doorframe and coping to the fire escape door on the western side of the basement retaining wall and most notably the railings above. Though a full unimpaired view of the facade of the Wilkins building is difficult to capture, the removal of the walls, railings and lawn will affect the perceived symmetrical composition of the Wilkins Building by exposing the lower ground floor facade which was never intended to be exposed. The removal of the retaining walls, railings and cutting back of the lawn, will result in the loss of historic fabric and alter the appearance of the building, causing a moderate level of less than substantial harm to the building.

The lawns to the front of the Gallery also provide the immediate setting of the grade I listed statue of James II and Grade II listed statue of George Washington. The latter is sited at the eastern end of the facade, and therefore its setting is unlikely to be affected by the reduction in the lawns at the western end. The James II statue is positioned on the lawn at the western end of the facade and whilst it will not be moved as part of the proposals, the extent of lawn will be reduced. The James II statue was originally located in Whitehall and was moved to its current site in 1948. The lawned setting of the statue forms a modest part of its wider setting which include the facade of the Wilkins Building and Trafalgar Square, which itself has gone through a series of changes since the statue has been in place. Therefore, the lawns are not felt to be a significant contributor to the significance of the statue, with its historic, aesthetic, and artistic values being unaltered by the proposals.

Internally the works respect aspects of the original layout and interior details, which is welcome. The contemporary additions avoid the more significant principal areas of the western wing and are overall respectful and complementary to the overall character of the interior. The internal reconfiguration of spaces will result in some loss of historic fabric, though overall the impact on the significance of the building will be modest, causing a low level of less than substantial harm.

Consultation Comments and Objections Regarding Wilkins Building

Objections have been raised, notably from the Victorian Society, who oppose the removal of the part of the lawn ad the wall around the courtyard due to the impact on the symmetrical composition of the building. They also question the need for a new public

space, given the Gallery's position and access to Trafalgar Square and do not feel the public benefits of the scheme are sufficient to outweigh the harm being caused.

The alterations which seek to open the frontage of the western side of the Wilkins Building are required to provide access to the new research centre and members suites, which whilst not strictly public (only by appointment), are an important aspect of the the National Gallery's operation, particularly the world class research centre. The enlarged public space outside the gallery will benefit not only visitors of the gallery but the public at large. It could also allow for more/ improved events and activities to occur outside the buildings and increase public interaction with the National Gallery and its collections, which is one of the primary functions of the National Gallery.

Piggott Education Centre

Constructed in the 1970's, the building makes a limited contribution to the overall significance of the National Gallery. The interior is of negligible significance, as such the exterior changes are of most relevance in terms of heritage impacts and from a townscape perspective.

Currently the building has an inactive street presence and is unwelcoming, which given its educational and public use, is disadvantageous. The introduction of new glazing/fenestration on the northern elevation, with a large picture window, would enliven the facade and create a more interactive frontage. Likewise, the replacement of the obscured dark glazing to the entrance with clear glazing will be more visually engaging and allow for a more active presence with a greater opportunity to promote the public functions of the gallery.

Internally the building is not considered to possess any notable features of architectural or historic interest, therefore the changes sought are not considered of concern from a listed building perspective but will be beneficial in improving the building's functionality and its public facilities.

Public Realm

Public realm improvements sought within the setting of the Gallery include re-levelling of Jubilee Walk, creation of a new 'square within a square' between the Sainsbury Wing and Wilkins Building, new pavers, new seating, and the reconfiguration of bollards along the western edge of Trafalgar Square, a grade I registered park and garden.

A new public square is proposed to the north of the existing public pedestrian route and event space along the north terrace of Trafalgar Square. Described as a 'square within a square' the newly created space will be defined by a new paving design, composed of York stone, and provide a meaningful space for the sole use of the Gallery. The new paving is intended to complement the existing paving of Jubilee Walk where York Stone. This will also sit comfortably alongside the paving of the north terrace.

The public realm works will also facilitate improvements to the gradient and allow for level access to both the Sainsbury Wing and western wing of the Wilkins Building. The re-levelling of the public realm starts at the southern edge of the rotunda, retaining the existing steps and ramp.

Re-levelling Jubilee Walk and the area between the Sainsbury Wing and Wilkins Building is anticipated to improve and encourage flow between Trafalgar Square and Leicester Square through the Gallery site.

New seating will also be located parallel with the southern and eastern edge of the Wilkins Building, providing formal seating in place of the low-level retaining wall to the perimeter lawn, which is currently informally used as seating. The seating will be composed of the stone being removed from the retaining walls.

The proposed landscaping changes will not impact directly the historic and listed elements of the Square and will have a negligible effect on its setting. They will however provide a more accessible and functional space which will compliment both the setting of the Gallery and the Square.

Trafalgar Square Conservation Area and Registered Park and Garden

The Trafalgar Square Conservation Area was designated in 1987 and extended in both 1990 and 1993. Trafalgar Square is a primary space of the conservation area and one of the world's great urban spaces used for numerous events and celebrations throughout its history. The conservation area is centred on Trafalgar Square but extends beyond the square towards Leicester Square and St Martins Lane to the north and northeast, Whitehall in the south and Strand to the east. These areas include large nineteenth and twentieth century buildings, commercial buildings as well as pockets of smaller scaled domestic buildings between, such as Whitcomb Street, Craven Street, and Chandos Place. The conservation area includes areas of distinct character, such as Whitehall, Strand, St Martins Lane and Craven Street, which are explained in more details within the City Council's Conservation Area Audit SPG. Trafalgar Square, which is a grade I listed Registered Park and Garden, and the National Gallery are key landmarks within the conservation area which make a considerable contribution to its character and appearance.

Trafalgar Square was laid out in the early nineteenth century, on the site of an enclosed Courtyard called Kings Mews. Designed by Sir Charles Barry and completed in 1840, the Square is surrounded by monumental buildings, the majority of which are statutorily listed, with the National Gallery pre-eminent amongst these. At the square's centre is the grade I listed Nelson's Column – an international landmark.

The proposals are not felt to detract from the character and appearance of the Trafalgar Square Conservation Area, nor harm the significance of the square as a grade I Registered Park and Garden. The contribution of Trafalgar Square, Sainsbury Wing and the Wilkins Building to the character and appearance of the area will be maintained.

Signage

Currently the Sainsbury Wing has no signage on its stone façade. Flagpoles sit directly outside the Sainsbury Wing which hang both National Gallery and special exhibition banner signs. Signs have also in the past been attached to the entrance gates to the Sainsbury Wing.

The three poles are to be removed and replaced with two LED totem signs, one either side of the central entrance to the Sainsbury Wing at the base of the flanking pilasters. In addition, lettering reading 'Sainsbury Wing' will be carved into the stone facade above the central entrance aperture. Individual mounted letter's reading 'The National Gallery' will be installed along the frieze, with letters moulded to respond to the folds of the facade. The lettering will be lit externally from lighting fixed to the top side of the cornice below. A condition is imposed to secure further details of the lighting unit and its fixing to ensure it is visually discreet and causes minimal harm to the fabric.

Currently the flagpoles by virtue of their scale and position are visually intrusive and whilst they highlight the activities of the Gallery, they obscure the facade of the Sainsbury Wing, acting as both a physical and visual barrier. Their removal would therefore be beneficial. The replacement totem signs are considered more compact but will be illuminated. A condition is imposed which will restrict the content of the screens to Gallery related information and events and limit the frequency at which the images change.

The introduction of naming signage on the facade is visually and aesthetically subtle and complimentary to the host building, and highly beneficial in distinguishing and identifying the building. The new totem signs will be marginally more prominent due to their illumination, however overall, the extent of signage is considered more considered and will appear less cluttered. The signage proposals will not detract from the appearance of the building or negatively impact upon visual amenity.

Archaeology

The site is located in a Tier I Archaeological Priority Area at the western extremity of Anglo-Saxon Lundenwic and over the site of the Royal Mews. City Plan Policy 39 relates to Westminster's heritage assets, which include archaeological assets. It says Archaeological deposits will be preserved in situ wherever possible.

Lundenwic was between present day Aldwych and Trafalgar Square and between the riverfront and Long Acre. The settlement appears to have been laid out in a grid pattern on either side of the Strand. Lundenwic was one of the most important of a small group of Middle Saxon emporium (port towns) and is considered a nationally, and indeed internationally, significant example of a thriving Middle Saxon trading centre which in places still possesses stratified deposits rich in structural remains, artefacts and environmental evidence. Remains of Lundenwic therefore have high potential to contribute to research. The settlement's putative boundary ditch may run through the site, but Historic England's Greater London Archaeological Advisory Service (GLAAS) does not consider these or other archaeological remains from this period are likely to be significantly harmed as a result of the basement excavation or other ground level works proposed under this applicaiton.

The Royal Mews are documented from 1273 onwards. The Mews appear on maps from the 1562 and the application site is located in the northwestern corner of that Mews site. Up until approximately 1530 the Royal Mews likely housed falcons after which they became stables in various iterations over the centuries. The main stable block - the Great or Royal Stables - were rebuilt by William Kent in 1732 and demolished in 1830 in preparation for construction of the National Gallery and Trafalgar Square. Historic

England's GLAAS originally raised significant concern that applicant's basement link could affect the buried remains of the Royal Mews. The applicant's field evaluation which included six trial pits on the site demonstrated that there is substantial survival of archaeological remains on the site relating to the Royal Mews. However, during the course of the application the applicant carried out further evaluation based on map regression which provided Historic England's GLAAS with comfort that the basement excavation would be located in what appears to have been a yard directly to the north of the Mews remains, rather than potentially cutting through it as originally feared. Because Historic England's GLAAS consider the buried archaeology to be a heritage asset of high significance, they had originally raised concern about the potential harm to it. But, on the basis of the new information which demonstrate the main part of the Great Stables would be avoided, Historic England's GLAAS advise that subject to appropriate conditions, harm to archaeological heritage assets can be appropriately mitigated and partially compensated for by public benefits arising from engagement and interpretation both during the investigation and in the completed development.

Heritage Impact Conclusions

Objections have been received to these proposals from three of the national amenity societies and relating to the proposals both to the Sainsbury Wing and the Wilkins Building. These objections rightly identify harm to significance. As grade I listed buildings, they are designated heritage assets of the highest order, and any harm should be avoided. It is accepted that the proposals do cause harm to these assets, however, unlike the Twentieth Century Society, the level of harm is considered to be less than substantial - which is an assessment that accords with Historic England. The proposals could also harm archaeological assets as Historic England's GLAAS sets out.

No harmful impact is found to the character and appearance of the Trafalgar Square Conservation Area or to the setting of the listed statues on the front lawns of the Wilkins Building, nor would the proposals harm the setting of the very numerous other adjacent heritage assets on and around Trafalgar Square.

Considering all aspects of the scheme, the impact in heritage terms would be a moderate degree of less than substantial harm. Special regard must be given to the desirability of preserving listed buildings, but where a development leads to less than substantial harm, the NPPF states this harm should be weighed against the public benefits, including taking into account whether any conflict between the heritage asset's conservation and any aspect of the proposal has been avoided or minimised.

It is considered that the National Gallery have justified the interventions and harm caused; they have mitigated that harm and modified the scheme to address some of the concerns expressed; and it is considered that any residual harm is outweighed by the public benefits of the scheme.

With regard to the Sainsbury Wing, the interventions proposed will enable the gallery to function more efficiently, with improved security and accessibility. The changes to the lobby and first floor will enhance their functionality and improve legibility and enrich the visitor experience. The reconfiguration of the entrance and the external changes

proposed will also be hugely beneficial in animating the building and provide more of a visual connection into the building which has the potential to attract more visitors.

For the Wilkins building the benefits include providing a direct accessible entrance to the research centre and members suite, which includes archives, library, and lecture spaces. The public realm will be altered, and a new public space created at this western end of the Wilkins Building.

The balancing of the moderate degree of less than substantial harm that has been identified against the public benefits (identified in this and other sections of the report) can be found in section 10 of this report.

9.5 Residential Amenity

Most of the buildings within the immediate vicinity of the site are non-residential. Residents do reside to the north-west of the Sainsbury Wing above the shops on Whitcomb Street (23 to 33 odds) approximately 35 metres from the north-west corner of the rear of the Sainsbury Wing and within Excel Court behind those buildings. A residential flat is recorded as being within the library on the junction of St Martin's Street and Orange Street, which is opposite entrance to the Pigott Education Centre. Some residential units can also be found on St Martin's Place, Cockspur Street and Suffolk Street.

City Plan Policies 7 and 33 seek to protect residential amenity, including in terms of light, privacy, sense of enclosure and noise and encourage development which enhances the residential environment, quality of life and health and wellbeing.

The nearby residential properties would not be impacted by the proposal in terms of overlooking, increase sense of enclosure or loss of light. The external alterations are not of a scale or location that would impact significantly on neighbouring residential occupiers.

The external alterations to both the Sainsbury Wing and Wilkins Building concentrate to the front of the buildings, facing Trafalgar Square, where it is a significant distance to the nearest neighbour. The external alterations to the Pigott Education Centre would introduce a new window facing toward the library, this window would be in an opening spanning from ground to second floor levels. It is understood that the flat within the library building is located at fourth floor level, which would be above the new opening so there would not be direct overlooking from the new window toward the flat, plus the distance across Orange Street is sufficient to prevent a harmful loss of privacy in any case.

In terms of noise and other local environmental impacts, the City Council's Environmental Health Team raise no concerns as the proposals do not involve the installation of new plant equipment which would require planning permission.

9.6 Transportation, Accessibility & Servicing

Highway Impact & Public Realm Works

City Plan Policy 24 requires new development to contribute towards maintaining and enhancing Westminster's places and streets as one of the most attractive and liveable areas in London. Policy 25 requires development to prioritise and improve the pedestrian environment and contribute towards achieving a first-class public realm. Policy 43 requires development to contribute to a well-designed, clutter-free public realm with use of high quality and durable materials capable of easy maintenance and cleaning, and the integration of high-quality soft landscaping as part of the streetscape design. Policy 44 requires development to incorporate appropriate security measures in the public realm.

The works to the public realm involve expanding the area to the front of the Sainsbury Wing entrance. Some objectors have questioned the need for additional public space on Trafalgar Square given it is a large public space already (and thereby question its weight as a public benefit). The North Terrace of the square does provide a large public space outside of the Wilkins Building, but outside of the Sainsbury Wing the public realm remains constrained by the carriageway of Pall Mall East, which was not pedestrianised when the North Terrace was in 2003. More public realm space outside of the Sainsbury Wing would improve the visitor experience and would improve this part of Trafalgar Square for the public at large.

'square within a square'. The proposals for this 'square within a square' would pave the area in York stone and would seek to literally demarcate a square using square-set York stone defined with a slim York stone banding. The applications also propose to alter Jubilee Walk including re-levelling whilst retaining the existing steps and ramp there. The gradient of Jubilee Walk is altered with the inclusion of flat landings to improve ease of accessibility across the slope.

The highway boundary is the existing building line, including up to the existing Jubilee Gates at both ends. This is because this area has been open and passable for at least the last 20 years. The highway boundary is different to the land ownership boundary marked on the submission drawings and includes some these areas, and so some of the highway by the Sainsbury Wing entrance is not maintained at public expense. The primary function of the highway, whether it is maintained at public expense or not, is the free and unobstructed movement of highway users – and the proposals would not conflict with this function, indeed more space would allow pedestrians to better traverse the area.

The submission documents outline the proposed hard landscaping at street level, including within the highway, which are to be funded by the National Gallery. Third party funded public realm improvements are welcomed by the City Council where they would benefit the public, and in this case the interventions would create an expanded public realm area for the public at large in one of the most important public squares in the nation. In addition to providing more space, new benches are proposed outside the Wilkins Building which would be a welcomed addition to this part of the North Terrace allowing the public to sit and enjoy their surroundings.

Overall, the principle of the interventions is welcomed from a highway and public realm perspective, therefore. At this stage however, the detailed design of the public realm works is not completed and this detailed design stage is best secured by legal agreement between the Highway Authority (in this case the City Council) and the National Gallery so that appropriate materials and detailed design is achieved.

Nonetheless, the Highway Planning Manager advises that for those elements which are within the highway, the details of the proposed hard landscaping included in the submission are consistent with the local highway network. The detailed design process would also ensure suitable drainage and lighting on the highway.

The proposals also detail Hostile Vehicle Mitigation bollards. The North Terrace has recently been protected by newly installed bollards which extend from the lawn in front of the Wilkins Building to the wall surrounding Trafalgar Square. This existing line of bollards would be undermined by the proposed alterations because the lawn would be partly removed (if the existing line were retained, vehicles would be able to circumvent the line). The proposals seek to remove the existing bollards, and replace them with new bollards which would resolve this and would defend the new 'square within a square' public realm area. The City Council's Prepare and Prevent Operational CONTEST officer has advised that the proposals are broadly acceptable from a security standpoint, as it is an appropriate response to the level of risk in this location.

The bollards and other associated measures would also need to be subject to detail highway design. The arrangement indicated on the submitted drawings may require amendment, including due to further Highway Authority requirements and security advice. This would be dealt with under the arrangements provided for within the legal agreement. Overall, the provision of bollards are welcomed and would help contribute to improving public safety in the area because the existing line of bollards does not protect the entrance at the Sainsbury Wing which the proposed bollards would.

The Highway Planning Manager does not raise any concerns with the loss of the lawn area, alterations to the gates or other alterations to the buildings. Overall, the Highway Planning Manager notes that the principle of the works are acceptable, and will be subject to a detailed design process and will be funded by the National Gallery. This process will ensure that the proposals adhere to City Plan Policies 24, 25 and 43 and will ensure that the proposals provide the public realm improvements. As such, this aspect of the proposal results in a public benefit.

Jubilee Walk Walkways Agreement

Jubilee Walk is outside the extent of the highway. While the National Gallery opens Jubilee Walk to the public during the day, it is closed at night as it has gates at either end. This means it has not been open and passable continuously and therefore has not become part of the highway.

The National Gallery created Jubilee Walk when it built the Sainsbury Wing. It was a public benefit to that development as it allowed a new pedestrian link northwards making pedestrian connections between Trafalgar Square and Leicester Square more attractive and enjoyable for pedestrians. The original intention of the City Council in 1987, when it considered the planning application for the Sainsbury Wing, was to ensure Jubilee Walk is governed by a Walkways Agreement. The National Gallery and the City Council drafted an agreement, but it was never completed. The agreement would have ensured the National Gallery adhered to various provisions, including opening times for Jubilee Walk of 7:30am – 8pm during October to March and 7:30am – 10pm. The City Council issued planning permission prior to the agreement being completed (which is highly unusual) at the request of the National Gallery. They explained that complexities had

arisen at the time relating to the passing of ownership of the National Gallery from the government to the Trustees. It appears the understanding at the time was that the City Council and National Gallery would subsequently complete agreement, but this did not happen.

Despite the lack of a Walkways Agreement governing the area, the National Gallery has maintained access into Jubilee Walk for the public and has appropriately maintained the space to this day. Jubilee Walk remains an important pedestrian link within the area from Trafalgar Square towards Leicester Square. Nonetheless, as part of this application the legal agreement is to ensure that the Walkways Agreement is now entered into so the access to the area by the public remains in perpetuity.

Accessibility

City Plan Policy 25 requires development to be permeable, easy and safe to walk through, enhance existing routes and to create step free legible access and entrance points. Policy 38 requires development to be accessible and inclusive for all, including people of all ages and those with mobility and sensory impairment or other health concerns and disabilities. Under the Equalities Act, the City Council must have due regard to the need to 'advance equality of opportunity' and in particular due regard must be given to: the need to remove or minimise disadvantages suffered by those with a protected characteristic; taking steps to meet the needs of those with a protected characteristic; and encourage persons with a protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

The National Gallery explains one of the motivations to make the Sainsbury Wing entrance the sole main entrance in 2018 was to ensure the main entrance to the site was accessible to all. Some objectors have contended the Wilkins Building portico entrance should be altered to improve it and it should be reinstated as the main entrance. The National Gallery have explored various options to improve the site, and it is clear to officers that it is not feasible to alter the entrance to the Wilkins Building in a practical manner that would allow it to be an accessible entrance. The main entrance to a building should be accessible to all, and it should be an independent access without additional undue effort, separation or special treatment – therefore, those who require level access to enter the National Gallery should not be consigned to an alternative entrance. As such, the use of the Sainsbury Wing entrance as the sole main entrance was a positive change from an accessibility point of view. In addition, any alternative proposals to the Wilkins Building's portico entrance that sought to alter and reopen it whilst not providing an entrance equally accessible to all would likely be considered (from an accessibility point of view) to be a retrograde step from the status quo (where there is a single accessible main entrance at the Sainsbury Wing).

The proposals seek to improve the Sainsbury Wing as the sole main entrance to increase its accessibility and legibility. This includes the removal of barriers, such as revolving doors and screens, which would make independent access easier. The internal alterations to the building have been designed to improve accessibility also, this includes adequate widths, door automation etc. The opening up of the lobby internally in the Sainsbury Wing would also have the affect of improving legibility in the space. As the lifts to the gallery spaces above are toward the rear of the building, beyond the principal

stair, and because the existing large internal columns within the lobby obscure sight lines, it is not always clear to visitors where the lifts are located. Reducing the columns and opening up the lobby area would improve this.

The basement link underneath Jubilee Walk would also involve the upgrading of an existing lift within the Wilkins Building to extend it to the new basement level. This would provide a new accessible route from the Wilkins Buildings, and in particular the Research Centre and Members House, to the Sainsbury Wing.

The proposals also create a new accessible entrance into the Wilkins Building from Trafalgar Square. While this entrance would not be open to the public at large because it leads into the Research Centre and Members House, this entrance along with internal alterations to remove steps inside the Wilkins Building will mean that all members, staff and visitors allowed into this area will be able to use the same entrance and same routes within this part of the building. Externally, the proposals include ensuring the public realm is accessible to all by using appropriate materials and ensuring appropriate gradients.

Overall, the proposals have been conceived to improve accessibility, legibility and circulation throughout the buildings and they achieve this. This accords with the aims of the City Plan which seeks to ensure the public realm and buildings are inclusive to all, and it constitutes a public benefit of the proposal.

Servicing and Waste & Recycling Storage

The existing site benefits from an off-street servicing area accessed from Orange Street and this area will continue to be used for servicing. The waste and recycling storage will remain unchanged by the proposals. Therefore, notwithstanding the Waste Project Officer's concern about the details, there would not be any harm to the highway or waste/ recycling storage and collection as a result of these proposals.

Cycling & Cycle Storage

The proposals do not increase floorspace within the building and therefore there is no requirement to provide increased cycle parking provision.

Car Parking

The proposals do not involve the provision of car parking, nor does the London Plan or City Plan require any be provided.

9.7 Economy including Employment & Skills

Whilst the development is of insufficient scale to require an employment and skills plan, it will contribute positively to the local economy during the construction phase through the generation of increased opportunities for local employment, procurement and spending.

The West End has been particularly hard hit by the pandemic and there is a need for both businesses and cultural institutions within the Central Activities Area to be

supported at this time to enable their post pandemic recovery. The proposed development will contribute to the recovery of the West End in accordance with City Plan Policies 1, 15 and 17 by improving an important art gallery and providing new public realm which will help contribute to attracting to people to the site and area. This is a public benefit.

9.8 Other Considerations

Basement

City Plan Policy 45 relates to basements and it seeks to make sure that basement developments are appropriately designed and constructed.

In relation to the extent and depth of the basement, Policy 45 states basement developments of a single storey will be supported and in this case the basement is a single storey.

The application has been supported by a structural statement which the City Council's Building Control Team confirm demonstrate the basement can be constructed while safeguarding the structural stability of the buildings. Given the site is large, the relative size of the basement is modest, the site is highly accessible and that there are few residential properties nearby, the impact the construction of the basement would have on the surroundings to the site would be comparatively low. Conditions are recommended to ensure that the National Gallery adhere to the Code of Construction Practice and suitable hours of building works. This will ensure the impacts that would arise are mitigated appropriately.

In relation to the impact of the basement on the heritage assets it would like, see section 9.4 of this report.

Security

One of the motivations for the proposals is to improve security in the building, including the visitor experience of it. City Plan Policy 38 requires development to be people-centred, including reducing the opportunity for crime.

One of motivations of the National Gallery's decision to make the Sainsbury Wing the principal entrance to the site was the lack of space within the Wilkins Building's portico entrance to adequately carry out security checks for visitors – a necessity not envisaged when the buildings were constructed. While the Sainsbury Wing is a better location for this to occur, the requirement still has been introduced into a building not designed for it meaning security checks are being carried outside within the loggia. This is a sub-optimal situation, particularly from a visitor experience perspective. The construction of a security vestibule would allow the security checks to occur inside the building and would provide a better space for it.

The applicant also proposes various other security measures, including Hostile Vehicle Measure (discussed in section 9.6 of this report), enhanced of glazing and frames to openings, electronic access control, intruder detection, and an intercommunications system and the installation of CCTV. These measures would either deter, detect or delay

crime and are therefore welcomed.

Consultation

In relation to other comments not addressed in other sections of this report, this section will address some of these. A commenter has asked where Denise Scott Brown's (one of the original architects for the Sainsbury Wing) comments on the proposals are published – however, the City Council has not published any comments from her. Another commenter queried whether there would be new plaques for the statues outside of the National Gallery explaining the subjects' involvement with slavery. This is not proposed under this application and the statues are not altered and are outside of the scope of works considered under these applications.

9.9 Environmental Impact Assessment

The proposed development is not of sufficient scale or impact to require an Environmental Impact Assessment.

9.10 Planning Obligations & Pre-Commencement Conditions

The draft 'Heads' of agreement are proposed to cover the following issues:

- i. Provision of highway works and works to the public realm necessary to facilitate the development;
- ii. Provision of and adherence to a Walkways Agreement relating to Jubilee Walk; and
- iii. The cost of monitoring the agreement.

The estimated CIL payment is:
£0

The Town and Country Planning (Pre-commencement Conditions) Regulations 2018 requires the City Council to obtain the applicant's written agreement before imposing pre-commencement conditions (i.e. conditions which must be discharged before works can start on site) on a planning permission. Pre-commencement conditions can only be imposed without the written agreement of the applicant where the applicant fails to provide a substantive response within a 10 day period following notification by the Council of the proposed condition, the reason and justification for the condition.

During the course of this application a notice was served relating to the proposed imposition of a pre-commencement condition to secure the applicant's adherence to the following pre-commencement conditions:

- Code of Construction Practice

The applicant has agreed to the imposition of the conditions.

10. Conclusion

Heritage Harm

The proposals result in harmful impacts to the special interest of heritage assets. This includes less than substantial harm to the grade I listed Wilkins Building and Sainsbury Wing, as well as on archaeological heritage assets. No harmful impact is found to the character and appearance of the Trafalgar Square Conservation Area or to the setting of the listed statues on the front lawns of the Wilkins Building, nor would the proposals harm the setting of the very numerous other adjacent heritage assets on and around Trafalgar Square.

Considering all aspects of the scheme, the impact in heritage terms would be a moderate degree of less than substantial harm as set out in section 9.4 of this report. Paragraph 202 of the NPPF states where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Public Benefits

As set out throughout this report, officers agree with the National Gallery, and supporters of the scheme, that these proposals would result in significant and weighty public benefits. This is because the proposals would better allow the National Gallery to provide a welcoming environment for visitors, better allow it to carry out research, allow it to generate further income to support its core activities and allow it to better provide educational opportunities amongst other benefits.

The alterations allow for improved accessibility into the buildings, creating a single main entrance at the Sainsbury which is inclusive and welcoming. The lobby space would be enlarged through the removal of the shop, along with other features, allowing more public space at ground level to help with orientation, legibility and accessibility into the National Gallery's main gallery spaces. The alterations would bring more light and openness into the Sainsbury Wing lobby, would allow it to better handle security and circulation and officers agree this would create a more welcoming space.

The alterations also would allow the National Gallery to better provide research and educational opportunities on the site, through the alterations to improve the education centre and research centre and other facilities. As well as generate income through the provisions of a members area. A new public space would not only improve the welcoming at the National Gallery, but also be a place all can enjoy. The alterations would also improve the energy performance of the buildings, helping the Gallery to contribute toward a reduction in carbon emissions.

These outcomes would either directly or indirectly contribute to the National Gallery fulfilling its core purpose as a charitable institution whose primary objective is to generate public benefit. These public benefits are considered to be substantial.

Planning Balance

The National Gallery itself is of great public importance and provides a significant public benefit to not only the public of Westminster, but also nationally and internationally. Many of these public benefits arise from the work and activities it undertakes on this site,

online and elsewhere to fulfil its core purpose/ aims. Expectedly therefore, works that allow the National Gallery site to better contribute to the organisations ability to fulfil its core purpose would result in corresponding public benefits (as set out above). In terms of built heritage however, the National Gallery is also the steward for two of the nation's most important buildings. In this case, achieving the public benefits results in less than substantial harm to the special architectural and historic interest of the listed buildings. Special regard must be given to the desirability of preserving listed buildings, but where a development leads to less than substantial harm, the NPPF states this harm should be weighed against the public benefits, including taking into account whether any conflict between the heritage asset's conservation and any aspect of the proposal has been avoided or minimised.

The National Gallery has set out a convincing justification as to why the proposed alterations are required and how these alterations would help them better deliver their core purpose. Historic England and officers recognise the alterations to the National Gallery buildings are required to achieve the improvements, and that they are no more than is necessary to secure the objectives of the National Gallery.

As such, whilst being mindful of polices of the development plan, given the substantial public benefits that would be delivered, the proposal is considered acceptable in terms of its impact on the designated heritage assets. Therefore, the recommendation to grant conditional permission and listed building consent is compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: JOSHUA HOWITT BY EMAIL AT jhowitt@westminster.gov.uk

11. KEY DRAWINGS





Images of altered lobby within the Sainsbury Wing



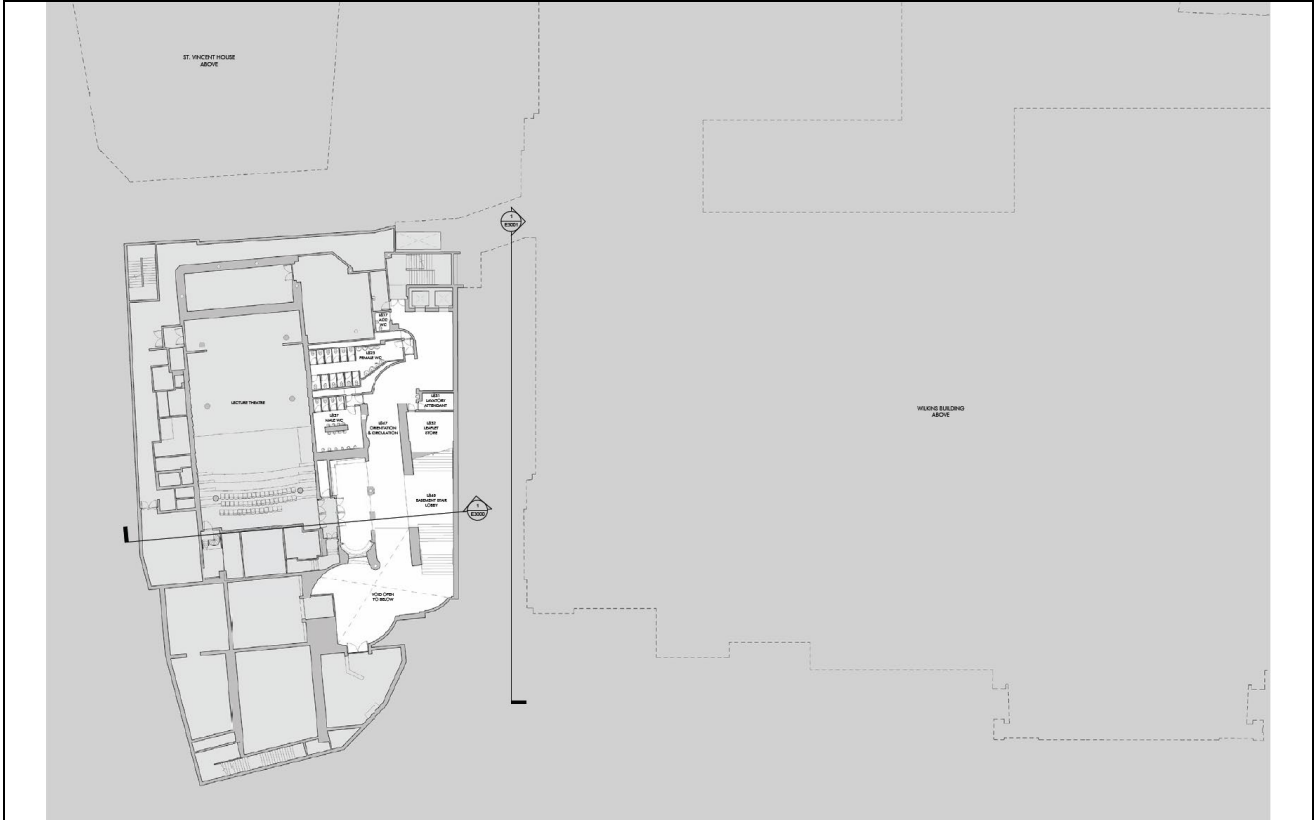
Image of altered Sainsbury Wing lobby from the stairs



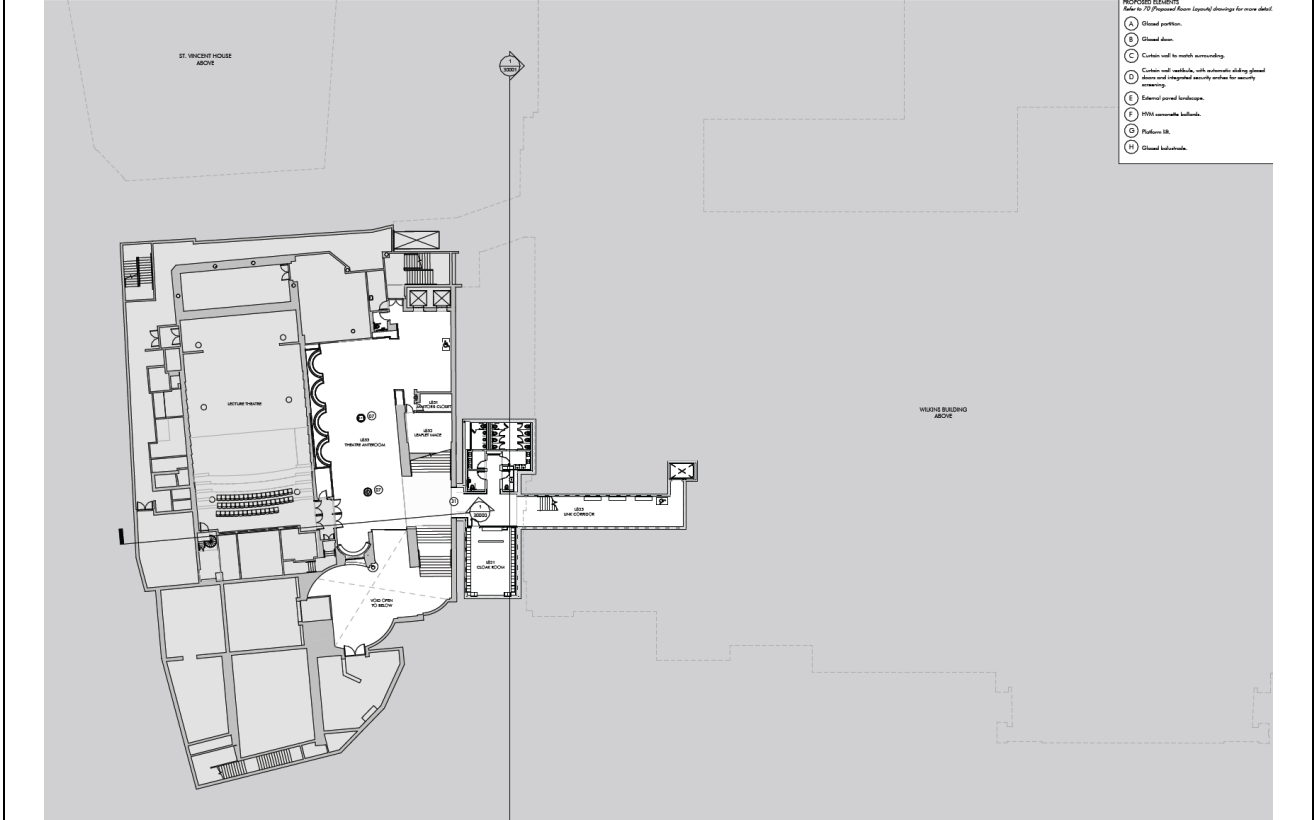
Images of altered Pigott Education Centre



Images of proposed new stair from new basement link into the existing floors of the Wilkins Building



Existing (above) and Proposed (below) Basement Level 1





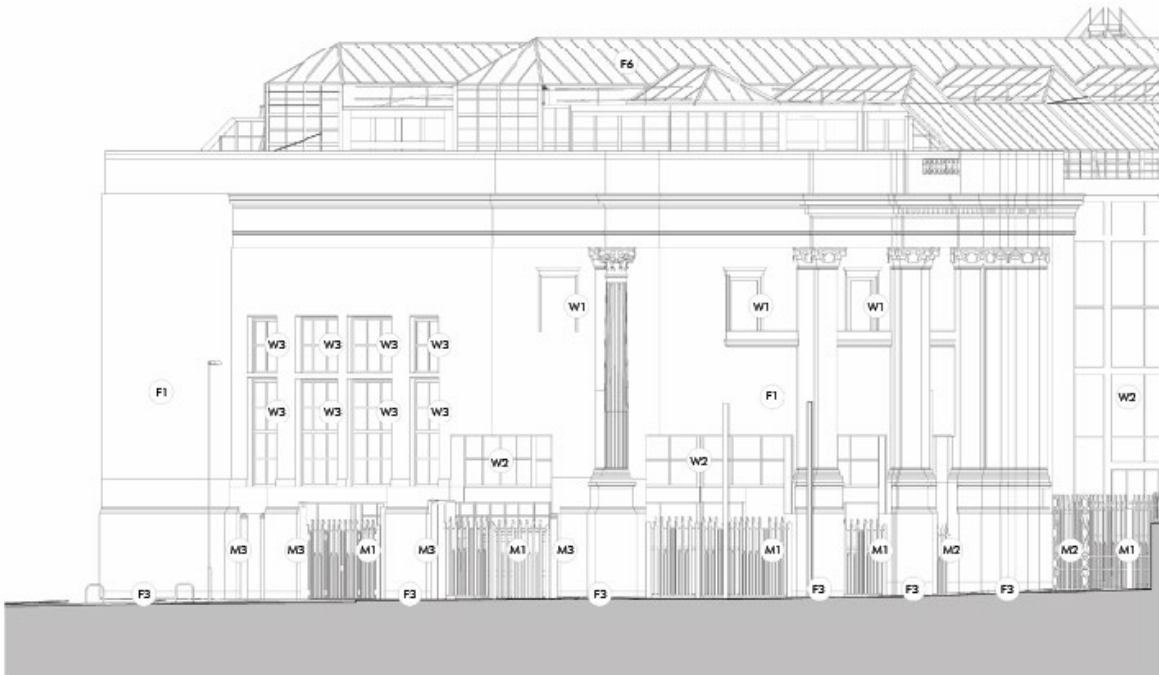
Existing (above) and Proposed (below) Ground Level



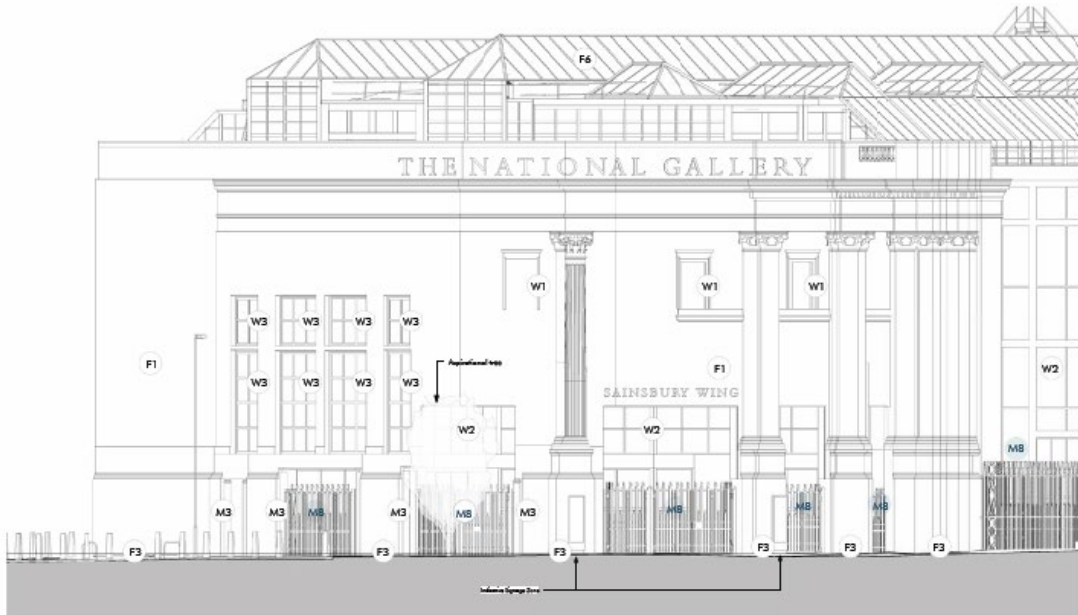


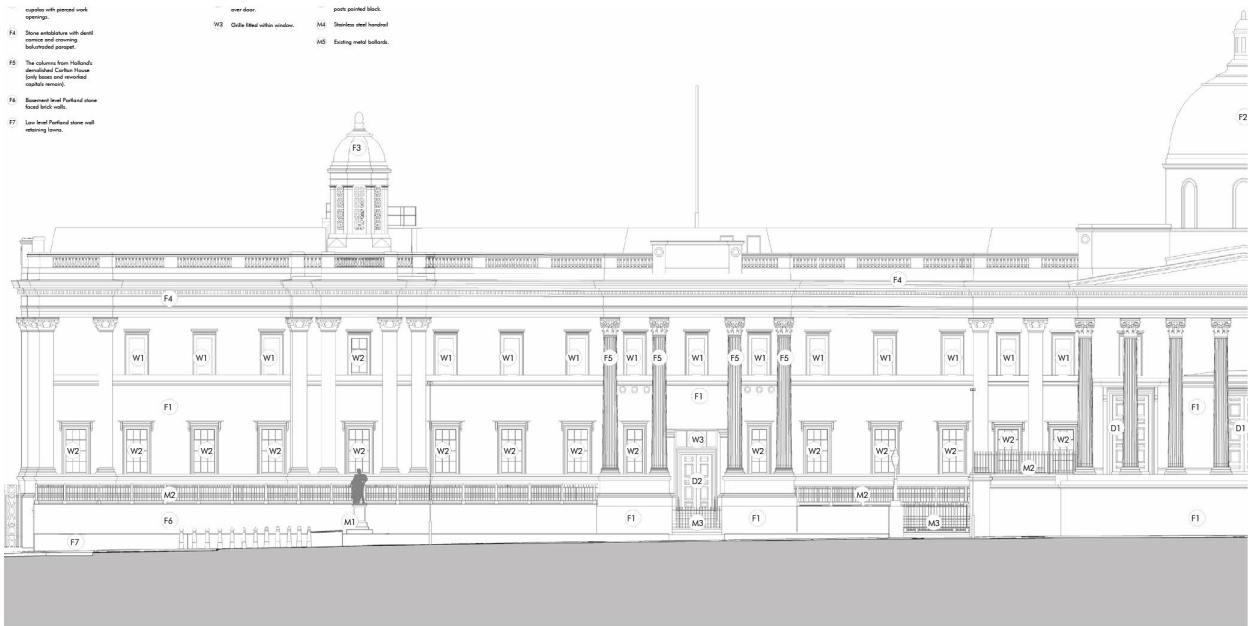
Existing (above) and Proposed (below) First Floor Plan





Existing (above) and Proposed (below) South Elevation of Sainsbury Wing



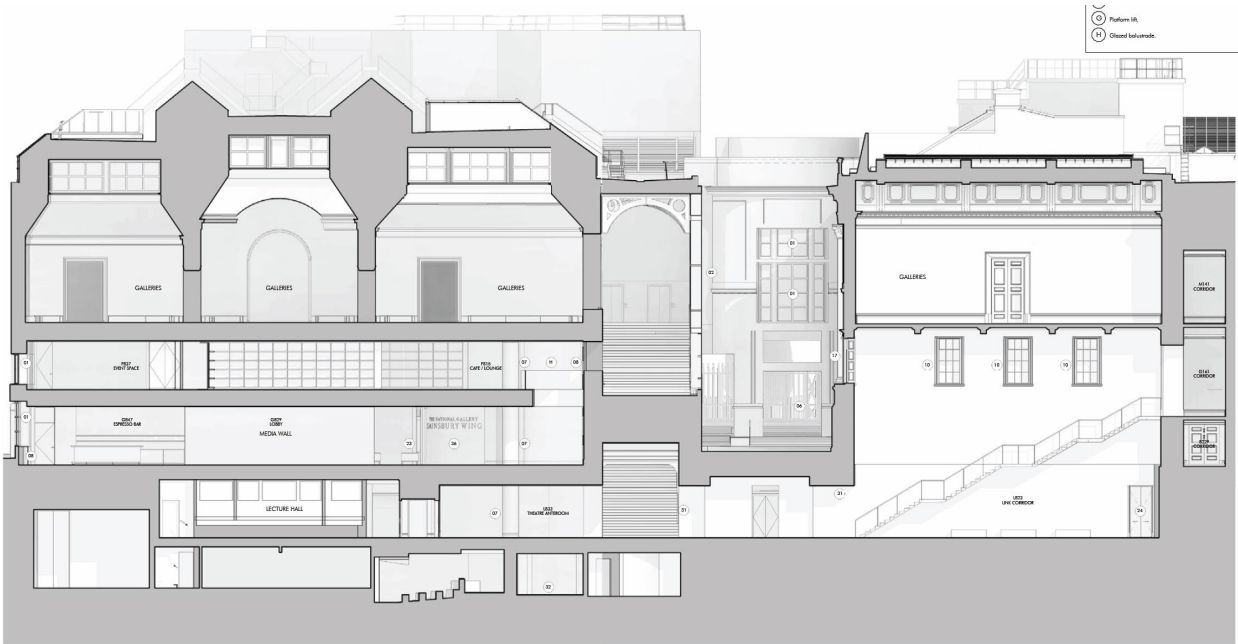


Existing (above) and Proposed (below) South Elevation of Wilkins Building





Existing (above) and Proposed (below) Section



DRAFT DECISION LETTER – Planning Application

- Address:** The National Gallery, Trafalgar Square, London, WC2N 5DN
- Proposal:** Remodelling of external gates, replacement glazing and adaption and enclosure of the loggia of the Sainsbury Wing. External alterations to the Wilkins Building, including alterations and part removal of railings, lawn and wall, with new entrance on Trafalgar Square to the Research Centre and Members Room. New basement link under Jubilee Walk, including excavation. Public realm works to the north of Trafalgar Square and Jubilee Walk, including new paving, benches, bollards and planting. New window and external alterations to Pigott Education Centre on Orange Street.
- Reference:** 22/04894/FULL
- Plan Nos:** Location Plan; Existing and Proposed Site Plans.

Existing Drawings:

NG200-PUR-WB-B1-DR-A-21000-PL-PL01; NG200-PUR-ZZ-SWB2-DG-A-E1000-PL-PL01; NG200-PUR-ZZ-SWB1-DG-A-E1001-PL-PL01; NG200-PUR-ZZ-ZZ-DG-A-E1002-PL-PL01 NG200-PUR-ZZ-ZZ-DG-A-E1003-PL-PL01; NG200-PUR-ZZ-ZZM-DG-A-E1004-PL-PL01; NG200-PUR-SW-ZZ-DG-A-E2000-PL-PL01; NG200-PUR-SW-ZZ-DG-A-E2001-PL-PL01; NG200-PUR-SW-ZZ-DG-A-E2002-PL-PL01; NG200-PUR-SW-ZZ-DG-A-E2003-PL-PL01; NG200-PUR-WB-ZZ-DG-A-E2004-PL-PL01; NG200-PUR-WB-ZZ-DG-A-E2005-PL-PL01; NG200-PUR-ZZ-ZZ-DG-A-E2006-PL-PL01; NG200-PUR-ZZ-ZZ-DG-A-E3000-PL-PL01; NG200-PUR-ZZ-ZZ-DG-A-E3001-PL-PL01; NG200-LWS-EC-0-DR-A-1000-PL-PL.01; NG200-LWS-EC-0-DR-A-1001-PL-PL.01; NG200-LWS-EC-0-DR-A-1002-P-PL.01; NG200-LWS-EC-S-DR-A-3000-PL-PL.01; NG200-LWS-EC-N-DR-A-4000-PL-PL.01; NG200-LWS-EC-EW-DR-A-4001-PL-PL.01; NG200-VLA-DR-L-P-3026-1000-PL-PL02; NG200-VLA-DR-L-P-3026-6000-PL-PL01; NG200-VLA-DR-L-P-3026-6010-PL-PL02; NG200-VLA-DR-L-P-3026-6020-PL-PL01; NG200-VLA-DR-L-P-3026-6030-PL-PL01.

Demolition Drawings:

NG200-PUR-ZZ-B2-DR-A-D1000-PL-PL02; NG200-PUR-ZZ-B1-DR-A-D1001-PL-PL02; NG200-PUR-ZZ-00-DR-A-D1002-PL-PL02; NG200-PUR-ZZ-01-DR-A-D1003-PL-PL02; NG200-PUR-ZZ-02-DR-A-D1004-PL-PL02; NG200-PUR-SW-ZZ-DR-A-D2000-PL-PL01; NG200-PUR-SW-ZZ-DR-A-D2001-PL-PL01; NG200-PUR-SW-ZZ-DR-A-D2002-PL-PL01; NG200-PUR-SW-ZZ-DR-A-D2003-PL-PL01; NG200-PUR-WB-ZZ-DR-A-D2004-PL-PL02; NG200-PUR-WB-ZZ-DR-A-D2005-PL-PL02; NG200-PUR-WB-ZZ-DR-A-D2006-PL-PL02 NG200-PUR-ZZ-ZZ-DR-A-D3000-PL-PL02; NG200-PUR-ZZ-ZZ-DR-A-D3001-PL-PL02; NG200-LWS-EC-0-DR-A-1100-PL-PL.01; NG200-LWS-EC-0-DR-A-1101-PL-PL.01; NG200-LWS-EC-0-DR-A-1102-PL-PL.01; NG200-LWS-EC-S-DR-A-3100-PL-PL.01; NG200-LWS-EC-S-DR-A-4100-PL-PL.01; NG200-VLA-DR-L-P-3026-1010-PL-PL02; NG200-VLA-DR-L-P-3026-6001-PL-PL01; NG200-VLA-DR-L-P-3026-6011-PL-PL02; NG200-VLA-DR-L-P-3026-6021-PL-PL01; NG200-VLA-DR-L-P-3026-6031-PL-PL01.

Proposed Drawings:

NG200-PUR-ZZ-B2-DR-A-10000-PL-PL02; NG200-PUR-ZZ-B1-DR-A-10001-PL-PL02; NG200-PUR-ZZ-00-DR-A-10002-PL-PL02; NG200-PUR-ZZ-01-DR-A-10003-PL-PL02; NG200-PUR-ZZ-02-DR-A-10004-PL-PL02; NG200-PUR-ZZ-RF-DR-A-17011-PL-PL02; NG200-PUR-SW-ZZ-DR-A-20000-PL-PL01; NG200-PUR-SW-ZZ-DR-A-20001-PL-PL01; NG200-PUR-SW-ZZ-DR-A-20002-PL-PL01; NG200-PUR-SW-ZZ-DR-A-20003-PL-PL01; NG200-PUR-WB-ZZ-DR-A-20004-PL-PL01; NG200-PUR-WB-ZZ-DR-A-20005-PL-PL02; NG200-PUR-WB-ZZ-DR-A-20006-PL-PL02; NG200-PUR-WB-B1-DR-A-21001-PL-PL01; NG200-PUR-ZZ-ZZ-DR-A-30000-PL-PL02; NG200-PUR-ZZ-ZZ-DR-A-30001-PL-PL02; NG200-LWS-EC-0-DR-A-1200-PL-PL.01; NG200-LWS-EC-0-DR-A-1201-PL-PL.01; NG200-LWS-EC-0-DR-A-1202-PL-PL.01; NG200-LWS-EC-0-DR-A-1300-PL-PL.01; NG200-LWS-EC-0-DR-A-1301-PL-PL.01; NG200-LWS-EC-0-DR-A-1302-PL-PL.01; NG200-LWS-EC-S-DR-A-3200-PL-PL.01; NG200-LWS-EC-N-DR-A-4200-PL-PL.01; NG200-LWS-EC-EW-DR-A-4201-PL-PL.01; NG200-VLA-DR-L-P-3026-1020-PL-PL02; NG200-VLA-DR-L-P-3026-3020-PL-PL02; NG200-VLA-DR---P-3026-4020-PL-PL02; NG200-VLA-DR-L-P-3026-6002-PL-PL02; NG200-VLA-DR-L-P-3026-6012-PL-PL02; NG200-VLA-DR-L-P-3026-6022-PL-PL02; NG200-VLA-DR-L-P-3026-6032-PL-PL02.

Detailed Drawings:

NG200-PUR-SW-ZZ-DR-A-23041-PL-PL01; NG200-PUR-SW-ZZ-DR-A-23042-PL-PL01; NG200-PUR-SW-ZZ-DR-A-23043-PL-PL01; NG200-PUR-SW-ZZ-DR-A-23044-PL-PL01; NG200-PUR-WB-LG-DR-A-23045-PL-PL01; NG200-PUR-WB-LG-DR-A-23046-PL-PL01; NG200-PUR-WB-LG-DR-A-23047-PL-PL01; NG200-PUR-WB-LG-DR-A-23048-PL-PL01; NG200-PUR-WB-LG-DR-A-23049-PL-PL01; NG200-PUR-WB-01-DR-A-23050-PL-PL01; NG200-PUR-WB-01-DR-A-23051-PL-PL01; NG200-PUR-WB-01-DR-A-23052-PL-PL01; NG200-PUR-WB-01-DR-A-23053-PL-PL01; NG200-PUR-WB-01-DR-A-23054-PL-PL01; NG200-PUR-WB-01-DR-A-23055-PL-PL01; NG200-PUR-WB-01-DR-A-23056-PL-PL01; NG200-PUR-WB-01-DR-A-23057-PL-PL01; NG200-PUR-WB-01-DR-A-23058-PL-PL01; NG200-PUR-WB-01-DR-A-23059-PL-PL01; NG200-PUR-WB-01-DR-A-23060-PL-PL01; NG200-PUR-WB-01-DR-A-23061-PL-PL01; NG200-PUR-WB-01-DR-A-23062-PL-PL01; NG200-PUR-WB-01-DR-A-23063-PL-PL01; NG200-PUR-WB-01-DR-A-23064-PL-PL01; NG200-PUR-WB-01-DR-A-23065-PL-PL01; NG200-PUR-WB-01-DR-A-23066-PL-PL01; NG200-PUR-WB-01-DR-A-23067-PL-PL01; NG200-PUR-WB-01-DR-A-23068-PL-PL01; NG200-PUR-WB-01-DR-A-23069-PL-PL01; NG200-PUR-WB-01-DR-A-23070-PL-PL01; NG200-PUR-WB-01-DR-A-23071-PL-PL01; NG200-PUR-WB-01-DR-A-23072-PL-PL01; NG200-PUR-WB-01-DR-A-23073-PL-PL01; NG200-PUR-WB-01-DR-A-23074-PL-PL01; NG200-PUR-WB-01-DR-A-23075-PL-PL01; NG200-PUR-WB-01-DR-A-23076-PL-PL01; NG200-PUR-WB-01-DR-A-23077-PL-PL01; NG200-PUR-WB-01-DR-A-23078-PL-PL01; NG200-PUR-WB-01-DR-A-23079-PL-PL01; NG200-PUR-WB-01-DR-A-23080-PL-PL01; NG200-PUR-WB-01-DR-A-23081-PL-PL01; NG200-PUR-WB-01-DR-A-23082-PL-PL01; NG200-PUR-WB-01-DR-A-23083-PL-PL01; NG200-PUR-WB-01-DR-A-23084-PL-PL01; NG200-PUR-WB-01-DR-A-23085-PL-PL01; NG200-PUR-WB-01-DR-A-23086-PL-PL01; NG200-PUR-WB-01-DR-A-23087-PL-PL01; NG200-PUR-WB-01-DR-A-23088-PL-PL01; NG200-PUR-WB-01-DR-A-23089-PL-PL01; NG200-PUR-WB-01-DR-A-23090-PL-PL01; NG200-PUR-WB-01-DR-A-23091-PL-PL01; NG200-PUR-WB-01-DR-A-23092-PL-PL01; NG200-PUR-WB-01-DR-A-23093-PL-PL01;

NG200-PUR-WB-01-DR-A-23094-PL-PL01; NG200-PUR-WB-01-DR-A-23095-PL-PL01; NG200-PUR-WB-01-DR-A-23096-PL-PL01; NG200-PUR-WB-01-DR-A-23097-PL-PL01; NG200-PUR-WB-01-DR-A-23098-PL-PL01; NG200-PUR-WB-01-DR-A-23099-PL-PL01; NG200-PUR-WB-01-DR-A-23100-PL-PL01; NG200-PUR-WB-01-DR-A-23101-PL-PL01; NG200-PUR-WB-01-DR-A-23102-PL-PL01; NG200-PUR-WB-01-DR-A-23103-PL-PL01; NG200-PUR-WB-01-DR-A-23106-PL-PL01; NG200-PUR-WB-01-DR-A-23108-PL-PL01; NG200-PUR-WB-01-DR-A-23109-PL-PL01; NG200-PUR-WB-01-DR-A-23110-PL-PL01; NG200-PUR-WB-01-DR-A-23111-PL-PL01; NG200-PUR-WB-01-DR-A-23112-PL-PL01; NG200-PUR-WB-01-DR-A-70001-PL-PL01; NG200-PUR-WB-01-DR-A-70002-PL-PL01; NG200-PUR-WB-01-DR-A-70003-PL-PL01; NG200-PUR-WB-01-DR-A-70004-PL-PL01; NG200-PUR-WB-01-DR-A-70005-PL-PL01; NG200-PUR-WB-01-DR-A-70006-PL-PL02; NG200-PUR-WB-01-DR-A-70007-PL-PL02; NG200-PUR-WB-01-DR-A-70008-PL-PL01; NG200-PUR-WB-01-DR-A-70009-PL-PL02; NG200-PUR-WB-01-DR-A-70010-PL-PL02; NG200-PUR-WB-01-DR-A-70011-PL-PL02; NG200-PUR-WB-01-DR-A-70012-PL-PL01; NG200-PUR-WB-01-DR-A-70013-PL-PL01; NG200-PUR-WB-01-DR-A-70014-PL-PL01; NG200-PUR-WB-01-DR-A-70015-PL-PL01; NG200-PUR-WB-01-DR-A-70016-PL-PL01; NG200-PUR-WB-01-DR-A-70017-PL-PL01; NG200-PUR-WB-01-DR-A-70018-PL-PL01; NG200-PUR-WB-01-DR-A-70019-PL-PL01; NG200-PUR-WB-01-DR-A-70020-PL-PL02; NG200-PUR-WB-01-DR-A-70021-PL-PL02; NG200-PUR-WB-01-DR-A-70022-PL-PL02; NG200-PUR-WB-01-DR-A-70023-PL-PL01; NG200-PUR-WB-01-DR-A-70024-PL-PL02; NG200-PUR-WB-01-DR-A-70025-PL-PL02; NG200-PUR-SW-01-DR-A-70026-PL-PL01; NG200-PUR-SW-01-DR-A-70029-PL-PL01; NG200-PUR-SW-ZZ-DR-A-70030-PL-PL01; NG200-PUR-SW-ZZ-DR-A-70031-PL-PL01; NG200-PUR-SW-ZZ-DR-A-70032-PL-PL01; NG200-PUR-SW-B1-DR-A-70033-PL-PL02; NG200-PUR-SW-B1-DR-A-70034-PL-PL01; NG200-PUR-SW-B1-DR-A-70035-PL-PL02; NG200-PUR-SW-B1-DR-A-70036-PL-PL02; NG200-PUR-SW-00-DR-A-70037-PL-PL02; NG200-PUR-SW-00-DR-A-70038-PL-PL02; NG200-PUR-SW-00-DR-A-70039-PL-PL02; NG200-PUR-SW-00-DR-A-70040-PL-PL02; NG200-PUR-WB-B1-DR-A-41001-PL-PL02; NG200-PUR-SW-00-DR-A-41002-PL-PL02; NG200-PUR-SW-00-DR-A-41003-PL-PL02; NG200-PUR-ZZ-ZZ-SH-A-42000-PL-PL02; NG200-PUR-SW-ZZ-DR-A-42001-PL-PL01; NG200-PUR-SW-ZZ-DR-A-42002-PL-PL01; NG200-PUR-SW-ZZ-DR-A-42003-PL-PL01; NG200-PUR-SW-ZZ-DR-A-42004-PL-PL01; NG200-PUR-SW-02-DR-A-42005-PL-PL01; NG200-PUR-WB-ZZ-DR-A-42007-PL-PL01; NG200-PUR-WB-ZZ-DR-A-42008-PL-PL01; NG200-PUR-WB-00-DR-A-42010-PL-PL01; NG200-PUR-WB-01-DR-A-42011-PL-PL01; NG200-PUR-WB-B1-DR-A-42012-PL-PL02; NG200-PUR-WB-B1-DR-A-42013-PL-PL02; NG200-PUR-WB-B1-DR-A-42014-PL-PL02; NG200-PUR-WB-B1-DR-A-42015-PL-PL01; NG200-PUR-WB-01-DR-A-42016-PL-PL01; NG200-PUR-WB-01-DR-A-42017-PL-PL01; NG200-LWS-EC-0-DR-A-5000-PL-PL01; NG200-PUR-SW-ZZ-SH-A-43000-PL-PL02; NG200-PUR-SW-ZZ-DR-A-43001-PL-PL01; NG200-PUR-SW-ZZ-DR-A-43002-PL-PL02; NG200-PUR-WB-B1-DR-A-32001-PL-PL02; NG200-PUR-EX-00-DR-A-32005-PL-PL02; NG200-PUR-SW-00-DR-A-32010-PL-PL01; NG200-PUR-SW-00-DR-A-44000-PL-PL01; NG200-PUR-SW-00-DR-A-44001-PL-PL02; NG200-PUR-SW-00-DR-A-44010-PL-PL01; NG200-PUR-SW-00-DR-A-44011-PL-PL01; NG200-PUR-SW-00-DR-A-44012-PL-PL01; NG200-VLA-DR-L---3026-7030-PL-PL01; NG200-VLA-DR-L---3026-7031-PL-PL02; NG200-VLA-DR-L---3026-7033-PL-PL02; NG200-VLA-DR-L---3026-7032-PL-PL01; NG200-VLA-DR-L---3026-7010-PL-PL02; NG200-VLA-DR-L---3026-7011-PL-PL02; NG200-VLA-DR-L---3026-7012-PL-PL02; NG200-

VLA-DR-L---3026-7013-PL-PL02; NG200-VLA-DR-L---3026-7014-PL-PL02; NG200-VLA-DR-L---3026-7020-PL-PL02; NG200-VLA-DR-L---3026-7022-PL-PL02; NG200-VLA-DR-L---3026-4020-PL-PL02.

Case Officer: Joshua Howitt

Direct Tel. No. 07866038007

Recommended Condition(s) and Reason(s)

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

Reason:

For the avoidance of doubt and in the interests of proper planning.

- 2 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Trafalgar Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

- 3 You must apply to us for approval of detailed drawings of the following parts of the development to the Sainsbury Wing:

- New window (elevation and section 1:10)

You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these details (C26DB)

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Trafalgar Square Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

- 4 You must apply to us, and in consultation with Historic England, for approval of details of

the finish and colour of the following parts of the development:

- The gates to the Sainsbury Wing and Jubilee Walk

You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these details (C26DB)

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Trafalgar Square Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

- 5 You must apply to us for approval of materials for the following parts of the development:

- Replacement glazing to the eastern facade of the Sainsbury Wing. (Showing the sample in context)

You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these details (C26DB)

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Trafalgar Square Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

- 6 You must apply to us for approval of details of the following parts of the development:

- (i) Details drawings showing the new external lighting to the frieze of the Sainsbury Wing. This must show the lighting unit, where the lighting units will be positioned and how it will be fixed to the cornice;
- (ii) All other new external lighting;
- (iii) All new CCTV

You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these details (C26DB)

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Trafalgar Square Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

- 7 You must apply to us for approval of details of the following parts of the development: , , - New windows to the Wilkins Building (elevations and sections scaled 1:10), , You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these details (C26DB)

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Trafalgar Square Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

- 8 You must apply to us for approval of materials of the following parts of the development:

- New Portland stone cladding to the exterior of the Wilkins building. To be provided on site.

You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these details (C26DB)

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Trafalgar Square Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

- 9 You must apply to us for approval of detailed drawings of the following parts of the development affecting the Piggot Education Centre:

- New glazing including framing, scaled 1:20 (sections and elevations)

You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these details (C26DB)

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Trafalgar Square Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

- 10 You must apply to us for approval of detailed drawings and materials of the following parts of the development:

- The final pavement design and samples of the pavers of the new public space.

You must not start any work on these parts of the development until we have approved

what you have sent us. You must then carry out the work according to these details (C26DB)

Reason:

To protect the setting of the listed buildings, to make sure the development contributes to the character and appearance of the Trafalgar Square Conservation Area and to protect the pedestrian environment/ public realm. This is as set out in Policies 24, 25, 38, 39, 40 43 and 44 of the City Plan 2019 - 2040 (April 2021).

- 11 Notwithstanding what is shown on the approved drawings, you must apply to us for approval of detailed drawings of the final hard and soft landscaping scheme. You must not use the new/altered entrances to the Wilkins Building and Sainsbury Wing until we have approved what you have sent us.

Reason:

To protect the setting of the listed buildings, to make sure the development contributes to the character and appearance of the Trafalgar Square Conservation Area and to protect the pedestrian environment/ public realm. This is as set out in Policies 24, 25, 38, 39, 40 43 and 44 of the City Plan 2019 - 2040 (April 2021).

- 12 No groundworks shall take place until you have submitted to us a written scheme of investigation (WSI) and it has been approved by us in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives and:

A. The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works

B. The programme for post-investigation assessment and subsequent analysis, publication and dissemination and deposition of resulting material. The part of the condition shall not be discharged until these have been fulfilled in accordance with the programme set out in the WSI.

Reason:

To protect the archaeological heritage of the City of Westminster as set out in Policy 39 of the City Plan 2019 - 2040 (April 2021). (R32BD)

- 13 No groundworks shall take place until details of an appropriate programme of public engagement with and interpretation of the site's archaeological interest has been submitted to and approved by us. The approved programme must be implemented in accordance with a timetable set out in the programme.

Reason:

To secure public interpretation and presentation of the site's archaeological remains as set out Policy 39 of the City Plan 2019 - 2040 (April 2021). (R32AD)

- 14 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:
- o between 08.00 and 18.00 Monday to Friday;
 - o between 08.00 and 13.00 on Saturday; and
 - o not at all on Sundays, bank holidays and public holidays.

You must carry out piling, excavation and demolition work only:

- o between 08.00 and 18.00 Monday to Friday; and
- o not at all on Saturdays, Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

- 15 **Pre Commencement Condition.** Prior to the commencement of any:

- (a) demolition, and/or
- (b) earthworks/piling and/or
- (c) construction

on site you must apply to us for our written approval of evidence to demonstrate that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of the relevant completed Appendix A checklist from the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Sciences Team, which constitutes an agreement to comply with the Code of Construction Practice and requirements contained therein. Commencement of the relevant stage of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval through submission of details prior to each stage of commencement. (C11CD)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

- 16 You must apply to us, in consultation with London Underground, for approval of details of the following parts of the development:

- Any works adjacent to London Underground assets including any works on Cockspur Street and Trafalgar Square

You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these details.

Reason:

To ensure that the development does not impact on existing London Underground transport infrastructure, in accordance with London Plan 2021, draft London Plan policy T3 and 'Land for Industry and Transport' Supplementary Planning Guidance 2012

- 17 No piling shall take place until a Piling Method Statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement

Reason:

To protect sewerage infrastructure, as the proposed works are in close proximity to underground sewerage utility infrastructure and piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure, in accordance with Policy 35 of the City Plan 2019 - 2040 (April 2021).

- 18 You must retain and maintain the box hedging and lawns to the front of the Wilkins Building, as shown on the approved 'proposed' drawings.

Reason:

To protect the appearance of the development, to make sure that it contributes to the character and appearance of the conservation area and setting of the listed building and other heritage assets, and to improve its contribution to biodiversity and the local environment. This is as set out in Policies 34, 38 and 39 of the City Plan 2019 - 2040 (April 2021).

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 In relation to condition 13, the written scheme of investigation will need to be prepared and implemented by a suitably professionally accredited archaeological practice in accordance with

Historic England's Guidelines for Archaeological Projects in Greater London. This condition is exempt from deemed discharge under schedule 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.

- 3 You are encouraged to install a rapid (minimum 50kW) electric vehicle charging point within the loading bay for freight vehicles, this would help increase electric vehicle charging options.

You are reminded that this planning permission is not an agreement of the Council as Highway Authority. Separate approvals and legal agreements will be required. These will need to cover aspects including installation, maintenance, commuted sums, removal (at Council discretion).

In relation to the Hostile Vehicle Mitigation Measures, because there is no site survey of the underground conditions each location, there can no guarantee that each pole/bollard can be installed as shown. Any revised location, no matter how small the deviation, will need further full assessment.

You must ensure you have all relevant approvals for undertaking work on the highway before commencing work.

- 4 The development will result in changes to road access points. Any new threshold levels in the building must be suitable for the levels of neighbouring roads. If you do not plan to make changes to the road and pavement you need to send us a drawing to show the threshold and existing road levels at each access point.

If you need to change the level of the road, you must apply to our Highways section at least eight weeks before you start work. You will need to provide survey drawings showing the existing and new levels of the road between the carriageway and the development. You will have to pay all administration, design, supervision and other costs. We will carry out any work which affects the road. For more advice, please email AskHighways@westminster.gov.uk.

- 5 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please email AskHighways@westminster.gov.uk. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority).

- 6 THAMES WATER COMMENTS:

Thames Water requests that the Applicant should incorporate within their proposal, protection to the property to prevent sewage flooding, by installing a positive pumped device (or equivalent

reflecting technological advances), on the assumption that the sewerage network may surcharge to ground level during storm conditions. If as part of the basement development there is a proposal to discharge ground water to the public network, this would require a Groundwater Risk Management Permit from Thames Water. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing trade.effluent@thameswater.co.uk . Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.

There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.

<https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes>

We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk . Application forms should be completed on line via , www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.

There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near our mains (within 3m) we'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.

<https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes>

- 7 You must get separate permission under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 for the following advertisements: - signage external to the building.. (I04AA)

Item No.
1

Please note: the full text for informatives can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.

DRAFT DECISION LETTER – Listed Building Application

- Address:** The National Gallery, Trafalgar Square, London, WC2N 5DN
- Proposal:** External and internal alterations, including remodelling of external gates, replacement glazing and adaption of the loggia and internal lobby to the Sainsbury Wing. Alterations to the southwest part of the Wilkins Building, including existing railings, lawn and wall; with new entrance onto Trafalgar Square to the Research Centre and Members Room, with related internal alterations. New basement link under Jubilee Walk; and alterations to the Pigott Education Centre, including new external window on the facade.
- Reference:** 22/04895/LBC
- Plan Nos:** Location Plan; Existing and Proposed Site Plans.

Existing Drawings:

NG200-PUR-WB B1-DR-A-21000-PL-PL01; NG200-PUR-ZZ-SWB2-DG-A-E1000-PL-PL01; NG200-PUR-ZZ-SWB1-DG-A-E1001-PL-PL01; NG200-PUR-ZZ-ZZ-DG-A-E1002-PL-PL01 NG200-PUR-ZZ-ZZ-DG-A-E1003-PL-PL01; NG200-PUR-ZZ-ZZ-DG-A-E1004-PL-PL01; NG200-PUR-SW-ZZ-DG-A-E2000-PL-PL01; NG200-PUR-SW-ZZ-DG-A-E2001-PL-PL01; NG200-PUR-SW-ZZ-DG-A-E2002-PL-PL01; NG200-PUR-SW-ZZ-DG-A-E2003-PL-PL01; NG200-PUR-WB-ZZ-DG-A-E2004-PL-PL01; NG200-PUR-WB-ZZ-DG-A-E2005-PL-PL01; NG200-PUR-ZZ-ZZ-DG-A-E2006-PL-PL01; NG200-PUR-ZZ-ZZ-DG-A-E3000-PL-PL01; NG200-PUR-ZZ-ZZ-DG-A-E3001-PL-PL01; NG200-LWS-EC-0-DR-A-1000-PL-PL.01; NG200-LWS-EC-0-DR-A-1001-PL-PL.01; NG200-LWS-EC-0-DR-A-1002-P-PL.01; NG200-LWS-EC-S-DR-A-3000-PL-PL.01; NG200-LWS-EC-N-DR-A-4000-PL-PL.01; NG200-LWS-EC-EW-DR-A-4001-PL-PL.01; NG200-VLA-DR-L-P-3026-1000-PL-PL02; NG200-VLA-DR-L-P-3026-6000-PL-PL01; NG200-VLA-DR-L-P-3026-6010-PL-PL02; NG200-VLA-DR-L-P-3026-6020-PL-PL01; NG200-VLA-DR-L-P-3026-6030-PL-PL01.

Demolition Drawings:

NG200-PUR-ZZ-B2-DR-A-D1000-PL-PL02; NG200-PUR-ZZ-B1-DR-A-D1001-PL-PL02; NG200-PUR-ZZ-00-DR-A-D1002-PL-PL02; NG200-PUR-ZZ-01-DR-A-D1003-PL-PL02; NG200-PUR-ZZ-02-DR-A-D1004-PL-PL02; NG200-PUR-SW-ZZ-DR-A-D2000-PL-PL01; NG200-PUR-SW-ZZ-DR-A-D2001-PL-PL01; NG200-PUR-SW-ZZ-DR-A-D2002-PL-PL01; NG200-PUR-SW-ZZ-DR-A-D2003-PL-PL01; NG200-PUR-WB-ZZ-DR-A-D2004-PL-PL02; NG200-PUR-WB-ZZ-DR-A-D2005-PL-PL02; NG200-PUR-WB-ZZ-DR-A-D2006-PL-PL02 NG200-PUR-ZZ-ZZ-DR-A-D3000-PL-PL02; NG200-PUR-ZZ-ZZ-DR-A-D3001-PL-PL02; NG200-LWS-EC-0-DR-A-1100-PL-PL.01; NG200-LWS-EC-0-DR-A-1101-PL-PL.01; NG200-LWS-EC-0-DR-A-1102-PL-PL.01; NG200-LWS-EC-S-DR-A-3100-PL-PL.01; NG200-LWS-EC-S-DR-A-4100-PL-PL.01; NG200-VLA-DR-L-P-3026-1010-PL-PL02; NG200-VLA-DR-L-P-3026-6001-PL-PL01; NG200-VLA-DR-L-P-3026-6011-PL-PL02; NG200-VLA-DR-L-P-3026-6021-PL-PL01; NG200-VLA-DR-L-P-3026-6031-PL-PL01.

Proposed Drawings:

NG200-PUR-ZZ-B2-DR-A-10000-PL-PL02; NG200-PUR-ZZ-B1-DR-A-10001-PL-PL02; NG200-PUR-ZZ-00-DR-A-10002-PL-PL02; NG200-PUR-ZZ-01-DR-A-10003-PL-PL02; NG200-PUR-ZZ-02-DR-A-10004-PL-PL02; NG200-PUR-ZZ-RF-DR-A-17011-PL-PL02; NG200-PUR-SW-ZZ-DR-A-20000-PL-PL01; NG200-PUR-SW-ZZ-DR-A-20001-PL-PL01; NG200-PUR-SW-ZZ-DR-A-20002-PL-PL01; NG200-PUR-SW-ZZ-DR-A-20003-PL-PL01; NG200-PUR-WB-ZZ-DR-A-20004-PL-PL01; NG200-PUR-WB-ZZ-DR-A-20005-PL-PL02; NG200-PUR-WB-ZZ-DR-A-20006-PL-PL02; NG200-PUR-WB-B1-DR-A-21001-PL-PL01; NG200-PUR-ZZ-ZZ-DR-A-30000-PL-PL02; NG200-PUR-ZZ-ZZ-DR-A-30001-PL-PL02; NG200-LWS-EC-0-DR-A-1200-PL-PL.01; NG200-LWS-EC-0-DR-A-1201-PL-PL.01; NG200-LWS-EC-0-DR-A-1202-PL-PL.01; NG200-LWS-EC-0-DR-A-1300-PL-PL.01; NG200-LWS-EC-0-DR-A-1301-PL-PL.01; NG200-LWS-EC-0-DR-A-1302-PL-PL.01; NG200-LWS-EC-S-DR-A-3200-PL-PL.01; NG200-LWS-EC-N-DR-A-4200-PL-PL.01; NG200-LWS-EC-EW-DR-A-4201-PL-PL.01; NG200-VLA-DR-L-P-3026-1020-PL-PL02; NG200-VLA-DR-L-P-3026-3020-PL-PL02; NG200-VLA-DR---P-3026-4020-PL-PL02; NG200-VLA-DR-L-P-3026-6002-PL-PL02; NG200-VLA-DR-L-P-3026-6012-PL-PL02; NG200-VLA-DR-L-P-3026-6022-PL-PL02; NG200-VLA-DR-L-P-3026-6032-PL-PL02.

Detailed Drawings:

NG200-PUR-SW-ZZ-DR-A-23041-PL-PL01; NG200-PUR-SW-ZZ-DR-A-23042-PL-PL01; NG200-PUR-SW-ZZ-DR-A-23043-PL-PL01; NG200-PUR-SW-ZZ-DR-A-23044-PL-PL01; NG200-PUR-WB-LG-DR-A-23045-PL-PL01; NG200-PUR-WB-LG-DR-A-23046-PL-PL01; NG200-PUR-WB-LG-DR-A-23047-PL-PL01; NG200-PUR-WB-LG-DR-A-23048-PL-PL01; NG200-PUR-WB-LG-DR-A-23049-PL-PL01; NG200-PUR-WB-01-DR-A-23050-PL-PL01; NG200-PUR-WB-01-DR-A-23051-PL-PL01; NG200-PUR-WB-01-DR-A-23052-PL-PL01; NG200-PUR-WB-01-DR-A-23053-PL-PL01; NG200-PUR-WB-01-DR-A-23054-PL-PL01; NG200-PUR-WB-01-DR-A-23055-PL-PL01; NG200-PUR-WB-01-DR-A-23056-PL-PL01; NG200-PUR-WB-01-DR-A-23057-PL-PL01; NG200-PUR-WB-01-DR-A-23058-PL-PL01; NG200-PUR-WB-01-DR-A-23059-PL-PL01; NG200-PUR-WB-01-DR-A-23060-PL-PL01; NG200-PUR-WB-01-DR-A-23061-PL-PL01; NG200-PUR-WB-01-DR-A-23062-PL-PL01; NG200-PUR-WB-01-DR-A-23063-PL-PL01; NG200-PUR-WB-01-DR-A-23064-PL-PL01; NG200-PUR-WB-01-DR-A-23065-PL-PL01; NG200-PUR-WB-01-DR-A-23066-PL-PL01; NG200-PUR-WB-01-DR-A-23067-PL-PL01; NG200-PUR-WB-01-DR-A-23068-PL-PL01; NG200-PUR-WB-01-DR-A-23069-PL-PL01; NG200-PUR-WB-01-DR-A-23070-PL-PL01; NG200-PUR-WB-01-DR-A-23071-PL-PL01; NG200-PUR-WB-01-DR-A-23072-PL-PL01; NG200-PUR-WB-01-DR-A-23073-PL-PL01; NG200-PUR-WB-01-DR-A-23074-PL-PL01; NG200-PUR-WB-01-DR-A-23075-PL-PL01; NG200-PUR-WB-01-DR-A-23076-PL-PL01; NG200-PUR-WB-01-DR-A-23077-PL-PL01; NG200-PUR-WB-01-DR-A-23078-PL-PL01; NG200-PUR-WB-01-DR-A-23079-PL-PL01; NG200-PUR-WB-01-DR-A-23080-PL-PL01; NG200-PUR-WB-01-DR-A-23081-PL-PL01; NG200-PUR-WB-01-DR-A-23082-PL-PL01; NG200-PUR-WB-01-DR-A-23083-PL-PL01; NG200-PUR-WB-01-DR-A-23084-PL-PL01; NG200-PUR-WB-01-DR-A-23085-PL-PL01; NG200-PUR-WB-01-DR-A-23086-PL-PL01; NG200-PUR-WB-01-DR-A-23087-PL-PL01; NG200-PUR-WB-01-DR-A-23088-PL-PL01; NG200-PUR-WB-01-DR-A-23089-PL-PL01; NG200-PUR-WB-01-DR-A-23090-PL-PL01; NG200-PUR-WB-01-DR-A-23091-PL-PL01; NG200-PUR-WB-01-DR-A-23092-PL-PL01; NG200-PUR-WB-01-DR-A-23093-PL-PL01; NG200-PUR-WB-01-DR-A-23094-PL-PL01; NG200-PUR-WB-01-DR-A-23095-PL-

PL01; NG200-PUR-WB-01-DR-A-23096-PL-PL01; NG200-PUR-WB-01-DR-A-23097-PL-PL01; NG200-PUR-WB-01-DR-A-23098-PL-PL01; NG200-PUR-WB-01-DR-A-23099-PL-PL01; NG200-PUR-WB-01-DR-A-23100-PL-PL01; NG200-PUR-WB-01-DR-A-23101-PL-PL01; NG200-PUR-WB-01-DR-A-23102-PL-PL01; NG200-PUR-WB-01-DR-A-23103-PL-PL01; NG200-PUR-WB-01-DR-A-23106-PL-PL01; NG200-PUR-WB-01-DR-A-23108-PL-PL01; NG200-PUR-WB-01-DR-A-23109-PL-PL01; NG200-PUR-WB-01-DR-A-23110-PL-PL01; NG200-PUR-WB-01-DR-A-23111-PL-PL01; NG200-PUR-WB-01-DR-A-23112-PL-PL01; NG200-PUR-WB-01-DR-A-70001-PL-PL01; NG200-PUR-WB-01-DR-A-70002-PL-PL01; NG200-PUR-WB-01-DR-A-70003-PL-PL01; NG200-PUR-WB-01-DR-A-70004-PL-PL01; NG200-PUR-WB-01-DR-A-70005-PL-PL01; NG200-PUR-WB-01-DR-A-70006-PL-PL02; NG200-PUR-WB-01-DR-A-70007-PL-PL02; NG200-PUR-WB-01-DR-A-70008-PL-PL01; NG200-PUR-WB-01-DR-A-70009-PL-PL02; NG200-PUR-WB-01-DR-A-70010-PL-PL02; NG200-PUR-WB-01-DR-A-70011-PL-PL02; NG200-PUR-WB-01-DR-A-70012-PL-PL01; NG200-PUR-WB-01-DR-A-70013-PL-PL01; NG200-PUR-WB-01-DR-A-70014-PL-PL01; NG200-PUR-WB-01-DR-A-70015-PL-PL01; NG200-PUR-WB-01-DR-A-70016-PL-PL01; NG200-PUR-WB-01-DR-A-70017-PL-PL01; NG200-PUR-WB 01-DR-A-70018-PL-PL01; NG200-PUR-WB 01-DR-A-70019-PL-PL01; NG200-PUR-WB-01-DR-A-70020-PL-PL02; NG200-PUR-WB-01-DR-A-70021-PL-PL02; NG200-PUR-WB-01-DR-A-70022-PL-PL02; NG200-PUR-WB-01-DR-A-70023-PL-PL01; NG200-PUR-WB-01-DR-A-70024-PL-PL02; NG200-PUR-WB-01-DR-A-70025-PL-PL02; NG200-PUR-SW-01-DR-A-70026-PL-PL01; NG200-PUR-SW-01-DR-A-70029-PL-PL01; NG200-PUR-SW-ZZ-DR-A-70030-PL-PL01; NG200-PUR-SW-ZZ-DR-A-70031-PL-PL01; NG200-PUR-SW-ZZ-DR-A-70032-PL-PL01; NG200-PUR-SW-B1-DR-A-70033-PL-PL02; NG200-PUR-SW-B1-DR-A-70034-PL-PL01; NG200-PUR-SW-B1-DR-A-70035-PL-PL02; NG200-PUR-SW-B1-DR-A-70036-PL-PL02; NG200-PUR-SW-00-DR-A-70037-PL-PL02; NG200-PUR-SW-00-DR-A-70038-PL-PL02; NG200-PUR-SW-00-DR-A-70039-PL-PL02; NG200-PUR-SW-00-DR-A-70040-PL-PL02; NG200-PUR-WB-B1-DR-A-41001-PL-PL02; NG200-PUR-SW-00-DR-A-41002-PL-PL02; NG200-PUR-SW-00-DR-A-41003-PL-PL02; NG200-PUR-ZZ-ZZ-SH-A-42000-PL-PL02; NG200-PUR-SW-ZZ-DR-A-42001-PL-PL01; NG200-PUR-SW-ZZ-DR-A-42002-PL-PL01; NG200-PUR-SW-ZZ-DR-A-42003-PL-PL01; NG200-PUR-SW-ZZ-DR-A-42004-PL-PL01; NG200-PUR-SW-02-DR-A-42005-PL-PL01; NG200-PUR-WB-ZZ-DR-A-42007-PL-PL01; NG200-PUR-WB-ZZ-DR-A-42008-PL-PL01; NG200-PUR-WB-00-DR-A-42010-PL-PL01; NG200-PUR-WB-01-DR-A-42011-PL-PL01; NG200-PUR-WB-B1-DR-A-42012-PL-PL02; NG200-PUR-WB-B1-DR-A-42013-PL-PL02; NG200-PUR-WB-B1-DR-A-42014-PL-PL02; NG200-PUR-WB-B1-DR-A-42015-PL-PL01; NG200-PUR-WB-01-DR-A-42016-PL-PL01; NG200-PUR-WB-01-DR-A-42017-PL-PL01; NG200-LWS-EC-0-DR-A-5000-PL-PL.01; NG200-PUR-SW-ZZ-SH-A-43000-PL-PL02; NG200-PUR-SW-ZZ-DR-A-43001-PL-PL01; NG200-PUR-SW-ZZ-DR-A-43002-PL-PL02; NG200-PUR-WB-B1-DR-A-32001-PL-PL02; NG200-PUR-EX-00-DR-A-32005-PL-PL02; NG200-PUR-SW-00-DR-A-32010-PL-PL01; NG200-PUR-SW-00-DR-A-44000-PL-PL01; NG200-PUR-SW-00-DR-A-44001-PL-PL02; NG200-PUR-SW-00-DR-A-44010-PL-PL01; NG200-PUR-SW-00-DR-A-44011-PL-PL01; NG200-PUR-SW-00-DR-A-44012-PL-PL01; NG200-VLA-DR-L---3026-7030-PL-PL01; NG200-VLA-DR-L---3026-7031-PL-PL02; NG200-VLA-DR-L---3026-7033-PL-PL02; NG200-VLA-DR-L---3026-7032-PL-PL01; NG200-VLA-DR-L---3026-7010-PL-PL02; NG200-VLA-DR-L---3026-7011-PL-PL02; NG200-VLA-DR-L---3026-7012-PL-PL02; NG200-VLA-DR-L---3026-7013-PL-PL02; NG200-VLA-DR-L---3026-7014-PL-PL02; NG200-

VLA-DR-L---3026-7020-PL-PL02; NG200-VLA-DR-L---3026-7022-PL-PL02; NG200-VLA-DR-L---3026-4020-PL-PL02.

Case Officer: Joshua Howitt

Direct Tel. No. 07866038007

Recommended Condition(s) and Reason(s)

- 1 The works hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in Policy 39 of the City Plan 2019 - 2040 (April 2021) and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BE)

- 2 All new work and improvements inside and outside the building must match existing original adjacent work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the approved drawings or are required in conditions to this permission. (C27AA)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 3 You must apply to us for approval of detailed drawings of the following parts of the development:

- (a) New internal doors within the Sainsbury Wing facing into the foyer (elevations and section 1:10)
- (b) New interior details within the Sainsbury Wing (1:10)
- (c) New window to the Sainsbury Wing (elevation and section 1:10)

You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these details (C26DB)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Trafalgar Square Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040

(April 2021). (R27AC)

- 4 You must apply to us, and in consultation with Historic England, for approval for the finish and colour of the following parts of the development:

- The gates to the Sainsbury Wing and Jubilee Walk

You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these details (C26DB)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Trafalgar Square Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 5 You must apply to us for approval of materials of the following parts of the development:

- Replacement glazing to the eastern facade of the Sainsbury Wing. (Showing the sample in context)

You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these details (C26DB)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Trafalgar Square Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 6 You must apply to us for approval of detailed drawings (at scale 1:10 unless otherwise agreed in writing) materials of the following parts of the development within the interior of the Sainsbury Wing:

- (i) Columns
- (ii) Walls
- (iii) Floors
- (iv) Edge of the first-floor slab
- (v) Ceilings
- (vi) Balustrade to the first floor and its fixings
- (vii) Builder's work and other servicing openings

You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these details (C26DB)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in Policy 39 of the City Plan 2019 - 2040 (April 2021) and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BE)

- 7 You must apply to us for approval of details of the following parts of the development:

- (i) Details drawings showing the new external lighting to the frieze of the Sainsbury Wing. This must show the lighting unit, where the lighting units will be positioned and how it will be fixed to the cornice;
- (ii) All other new external lighting;
- (iii) All new CCTV

You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these details (C26DB)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Trafalgar Square Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 8 You must apply to us for approval of details of the following parts of the development within the interior of the Wilkins Building:

- (i) Cornices, skiting, architraves and doors, both those which are intended to be traditional replicas and contemporary additions;
- (ii) General interior finishes
- (iii) builder's work and other servicing openings

You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these details (C26DB)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in Policy 39 of the City Plan 2019 - 2040 (April 2021) and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BE)

- 9 You must apply to us for approval of details of the following parts of the development:

- New staircase within the Wilkins Building

You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these details (C26DB)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in Policy 39 of the City Plan 2019 - 2040 (April 2021) and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BE)

- 10 You must apply to us for approval of details of the following parts of the development:

- New windows to the Wilkins Building (elevations and sections scaled 1:10)

You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these details (C26DB)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Trafalgar Square Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 11 You must apply to us for approval of materials of the following parts of the development:

- New Portland stone cladding to the exterior of the Wilkins building. To be provided on site.

You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these details (C26DB)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Trafalgar Square Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 12 You must apply to us for approval of detailed drawings of the following parts of the development within the Piggot Education Centre:

- (i) New glazing including framing, scaled 1:20 (sections and elevations)
- (ii) internal balustrade in lobby
- (iii) Gallery 18 entrance

You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these details (C26DB)

Reason:

To protect the special architectural or historic interest of this building and to make sure

the development contributes to the character and appearance of the Trafalgar Square Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

Informative(s):

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework, the London Plan (March 2021), the City Plan (April 2021), as well as relevant supplementary planning guidance, representations received and all other material considerations.

The City Council has had special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses and has decided that the proposed works would not harm this special architectural or historic interest; or where any harm has been identified it has been considered acceptable in accordance with the NPPF.

In reaching this decision the following were of particular relevance:, Policies 38, 39 and 40 of the City Plan 2019 - 2040 adopted in April 2021 and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

- 2 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes:
- * any extra work which is necessary after further assessments of the building's condition;
 - * stripping out or structural investigations; and
 - * any work needed to meet the building regulations or other forms of statutory control.

Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents., , It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (I59AA)

- 3 In relation to condition 10, the window details should show glazing details and profiles to match the original windows, including integral glazing bars.

Please note: the full text for informatives can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.

Agenda Item 2

Item No.
2

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 29 November 2022	Classification For General Release	
Report of Director of Town Planning & Building Control		Ward(s) involved West End	
Subject of Report	Burlington House, Piccadilly, London, W1J 0BD		
Proposal	Internal and external alterations associated with the repair, refurbishment and alteration of the schools accommodation, at lower ground, ground and roof levels; namely internal layout alterations, refurbishment and repair works; external alterations, including the provision of improved services, plant at roof level and new ventilation ductwork including a full height kitchen extract duct to the west elevation, restoration, replacement of existing glazing, roofing at the north elevation, provision of associated roof access equipment, reinstatement of original west entrance, replacement of East Yard tent with permanent extension building, alterations to East Yard ramp, and associated works. (Linked 21/08367/LBC)		
Agent	Gerald Eve		
On behalf of	The Royal Academy Of Arts		
Registered Number	21/08366/FULL & 21/08367/LBC	Date amended/ completed	7 December 2021
Date Application Received	7 December 2021		
Historic Building Grade	II-Star		
Conservation Area	Mayfair		
Neighbourhood Plan	Mayfair Neighbourhood Plan		

1. RECOMMENDATION

<ol style="list-style-type: none"> 1. Grant conditional permission 2. Grant conditional listed building consent 3. Agree the reasons for granting listed building consent as set out within informative 1 of the draft decision letter.
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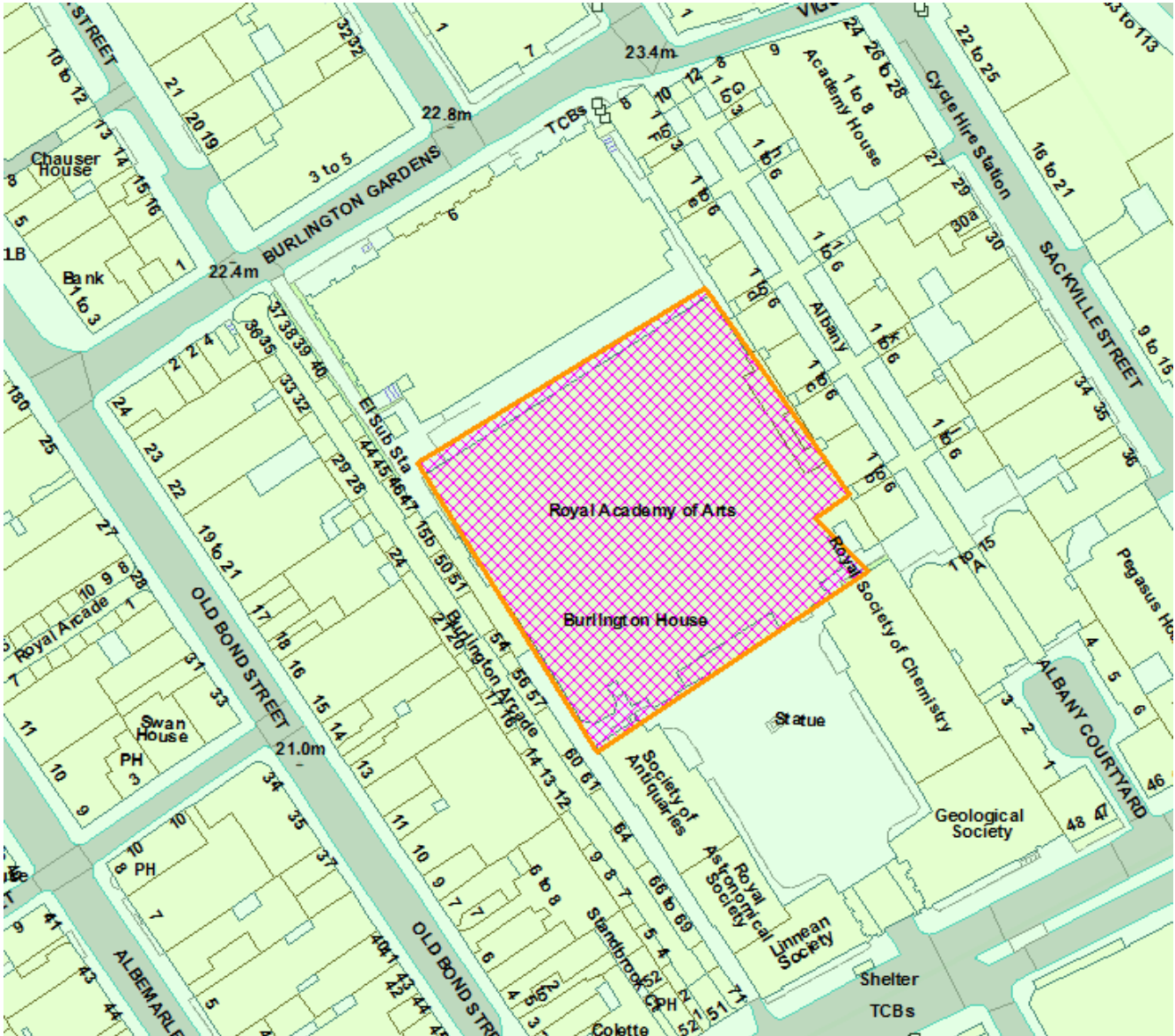
2. SUMMARY & KEY CONSIDERATIONS

The application proposes the refurbishment, reorganisation, and improvement of the Royal Academy Schools' accommodation, within Burlington House.

There are number alterations proposed, but the key issue is the impact of the East Yard Extension in amenity and heritage asset terms and strong objections have been received in relation to this part of the application.

Subject to conditions, the proposed alterations will maintain the special interest of the building and maintain the character and appearance of the surrounding conservation area and with stringent noise conditions to control internal noise levels, it is considered that the amenity of residents in Albany will not be harmed.

3. LOCATION PLAN



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4. PHOTOGRAPHS

View of East Yard looking south. Albany on the left.



View of East Yard looking north. Albany on the right.



5. CONSULTATIONS

5.1 Application Consultations

RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S

Any response to be reported verbally.

MAYFAIR RESIDENTS' GROUP

Any response to be reported verbally.

ENVIRONMENTAL HEALTH:

No objection subject to conditions

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

First consultation undertaken in December 2021

No. Consulted: 82

Total No. of replies: 3

No. of objections: 2

No. in support: 1

Two letters of objection on the following grounds;

- the extension should be considered a wholly new extension to Burlington House and not a replacement of a temporary building as permission was never granted for the temporary tent;
- amenity and living conditions of some flats in Albany to be severely detrimentally affected by light and noise pollution and loss of privacy.
- Inaccurate noise report.
- fire concerns regarding the use of machinery within the East Yard extension.

Re-consultation undertaken in April 2022 (following the submission of a revised acoustic report and Heritage Impact Assessment Addendum)

No. Consulted: 82

Total No. of replies: 1

No. of objections: 1 (withdrawn subject to imposition of conditions)

One of the objectors initially maintained their objections but proposed some stringent conditions. These were agreed by the applicant and form part of the draft conditions.

The other objector did not comment on the revised proposals

PRESS NOTICE/ SITE NOTICE:

Yes

6. WESTMINSTER'S DEVELOPMENT PLAN

6.1 City Plan 2019-2040 & London Plan

The City Plan 2019-2040 was adopted at Full Council on 21 April 2021. The policies in the City Plan 2019-2040 are consistent with national policy as set out in the National

Planning Policy Framework (NPPF) (July 2021) and should be afforded full weight in accordance with paragraph 219 of the NPPF. Therefore, in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan, which was adopted by the Mayor of London in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 6.2).

As set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 49 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

6.2 Neighbourhood Planning

The Mayfair Neighbourhood Plan includes policies on a range of matters including public realm, directing growth, enhancing retail, commercial and public house uses, residential amenity, commercial growth, cultural and community uses, heritage, design, servicing and deliveries and environment and sustainability.

The plan has been through independent examination and was supported by local residents and businesses in a referendum held on 31 October 2019. It was adopted on 24 December 2019. It therefore forms part of the development plan for Westminster for development within the Mayfair neighbourhood area in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004. Where any matters relevant to the application subject of this report are directly affected by the policies contained within the neighbourhood plan, these are discussed later in this report.

6.3 National Policy & Guidance

The City Plan 2019-2040 policies referred to in the consideration of this application have been examined and have been found to be sound in accordance with tests set out in Paragraph 35 of the NPPF. They are considered to remain consistent with the policies in the NPPF (July 2021) unless stated otherwise.

7. BACKGROUND INFORMATION

7.1 The Application Site

The application relates to the Royal Academy, specifically the Schools' accommodation, within Burlington House which is a Grade II-Star listed building in the Mayfair Conservation Area to which it makes a positive contribution. The Royal Academy Schools is the country's oldest art school. It is an integral part of the Royal Academy of Arts and houses the Royal Academy's key mission activities: the 'making, exhibiting and discussion of art'.

There has been no significant refurbishment of the School since its current premises were built in 1868. The studio spaces are now inadequate, and its facilities are inaccessible to wheelchair users. Uncoordinated development of facilities, together with accompanying building services has taken place over many years, leading to less-than-ideal working conditions in spaces of diminished architectural quality.

The site is situated within the Mayfair Conservation Area and is adjacent to the Grade I listed Albany, a residential building hosting a number of flats.

7.2 Recent Relevant History

Planning permission granted 6 July 2021 for the replacement of basement window with door and provision of louvres on south elevation (facing Lovelace courtyard), layout alterations, restoration of existing windows, and associated works.

8. THE PROPOSAL

This application relates to the refurbishment, reorganisation and improvement of the Royal Academy Schools' accommodation. The refurbishment aims to transform the RA Schools to provide a professional, fully accessible, flexible, high quality work environment for its staff and students.

The project will reinstate key features of the original architectural layout and remove built-up clutter, such as wall linings and services installations, to allow the building's architecture to once again form the uncluttered backdrop to the Schools' activities, while conserving and protecting the special historic and architectural interest of the buildings and its surroundings which include the Mayfair Conservation Area and the setting of the Grade I listed Albany.

There are number alterations proposed, but the key element is the replacement of the East Yard Extension; existing redundant workshop exhaust ductwork and fans will also be removed as part of the proposal.

9. DETAILED CONSIDERATIONS

9.1 Land Use

London Plan policy SD4 states that the "unique concentration and diversity of cultural, arts, entertainment, night-time economy and tourism functions should be promoted and enhanced" and Policy HC5 supports "the continued growth and evolution" of London's culture and creative industries. The supporting text recognises the many economic and social benefits provided by London's rich cultural offer.

City Plan Policy 1 seeks to protect and enhance uses of international and/or national importance, the buildings that accommodate them, and the specialist clusters of uses within the city's most distinct places. Policy 15 aims to maintain and enhance the attractiveness of Westminster as a visitor destination. The policy encourages the protection, support and enhancement of arts and cultural uses, particularly in the Strategic Cultural Areas and commercial parts of the CAZ. The supporting text recognises the importance of the cluster of cultural and creative industries in Westminster to London's international reputation and visitor economy.

The existing lawful use of Burlington House is as a gallery (Class F1 (museum)), which the Schools accommodation forms an ancillary part. The proposal would allow the quality of accommodation for the Schools, and accordingly the quality of the education and experience provided, to be improved and the space made more accessible

The key issue in land use terms relates to the replacement of the East Yard tent. Historically the east yard has been used as a space for the making of art, more recently it has been used as wood and metal workshops by students of the School within a 140sqm tent filling the East Yards footprint. The new 106m² (GIA) east yard infill extension will replace the existing tent. Throughout the application it has become evident by objectors and the City Council that the existing tent structure has been in place for approximately 30 years without lawful consent. The accommodation provided within the existing tent is not fit for purpose for its current or potential future use, being neither acoustically nor or thermally insulated with an internal layout that is not accessible.

This proposal will see the replacement of the tent structure with a new part glazed and zinc-clad extension for studio purposes. A consent granted in July 2021 allows the workshops to be relocated to 6 Burlington Gardens.

Objectors believe that the approach of the applicants to justify the impacts of the East Yard Extension on the basis that it would be an improvement on the unlawful tent would be misguided and that once the "temporary" tent has been removed, the space between the RA and Albany should be cleaned up and left open. However, given the passage of time since the installation of the structure, the tent is now immune from enforcement action under the planning act (although listed building enforcement action could still be taken and a current enforcement case remains open). It would also be possible, given the lawful use of the site as a gallery, for the activities currently accommodated in the tent to take place within the open East Yard, should the tent be removed. Given this, and the supportive policies set out above, the principle of a replacement extension within the East Yard is considered acceptable in land use terms. The acoustic performance of the extension is set out below.

9.2 Environment & Sustainability

The roof and rooflights of the Shaw Studios (comprising the significant majority of exposed external surface area of the campus) will be completely rebuilt incorporating both insulation and air tightness membranes. The clerestory glazing of the Smirke Studios will be fully reglazed within thermally broken aluminium framing overlaid on the historic timber rafters limiting heat loss while dealing with the issues of water ingress that affect the existing glazing.

The existing heating system will be completely stripped out and replaced with new high efficiency radiant heating served by the Royal Academy's recently installed gas fired boilers. The installation has been designed to operate as part of a low temperature system, anticipating the future move to a heat pump energy source.

All of the Studio accommodation is naturally ventilated and will remain so, provided with new insulated ventilation louvres incorporated into the upgraded Shaw roof and Smirke clerestory glazing.

The East Yard extension has been designed to minimise both its embodied and operational carbon. A highly insulated lightweight timber structure is proposed consisting of a simple frame that will be quick and quiet to construct. The East Yard extension, providing new Studio accommodation relies on a domestic scaled MVHR (mechanical ventilation with heat recovery) unit for fresh air in winter.

A decentralised approach to the ventilation of interior spaces has been adopted with a series of small MVHR units serving small areas, reducing energy consumption as well avoiding the need for extensive ductwork within the campus.

Cooling has been reduced to just two spaces within the campus to compensate for higher heat loads from video/performance equipment and occupancy.

The development has been designed to minimise the energy and carbon consumption associated with both the embodied and operational aspects of the scheme whilst also delivering the required functional improvements to the spaces and ensuring the improvements are sensitive to the heritage context of the listed building. The proposal therefore optimises the sustainability of the proposal within the constraints of the building. This complies with City Plan policies 36 and 38

9.3 Biodiversity & Greening

No biodiversity or greening is proposed as part of this application.

9.4 Townscape, Design & Heritage Impact

Legislative & Policy Context

The key legislative requirements in respect to designated heritage assets are as follows:

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the LBCA Act') requires that *"In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."*

Section 66 of the LBCA Act requires that *"In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."*

Section 72 of the LBCA Act requires that *"In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."*

Whilst there is no statutory duty to take account of effect on the setting of a conservation area, Policy 39(K) in the City Plan 2019-2040 requires that where development will have a visibly adverse effect upon a conservation area's recognised special character or appearance, including intrusiveness with respect to any recognised and recorded

familiar local views into, out of, within or across the area, it will not be permitted.

Furthermore Chapters 12 and 16 of the NPPF require great weight be placed on design quality and the preservation of designated heritage assets including their setting. Chapter 16 of the NPPF clarifies that harmful proposals should only be approved where the harm caused would be clearly outweighed by the public benefits of the scheme, taking into account the statutory duty to have special regard or pay special attention, as relevant. This should also take into account the relative significance of the affected asset and the severity of the harm caused.

Detailed design & impact on heritage assets

East Yard Infill Extension

The East Yard is a back-of-house area, hidden from public view. There are some views from rear windows in Albany, and Albany itself is clearly visible from the East Yard. The façades of both buildings are fairly plain, and this gives the East Yard a robust character.

In the East Yard there is an existing, unauthorised, single-storey tent-like structure. This is the subject of an open planning enforcement investigation. Therefore, the starting point for considering the design and heritage impacts, and acceptability (or otherwise), of the proposed East Yard Extension is from a position where there is no unauthorised extension in the East Yard.

The new extension minimizes its impact on the existing fabric of the building, and the design has been carefully considered to make use of materials complementary to the late Victorian architecture of building to which it is attached. The extension is also of light-weight construction and due to the discrete location of this extension it has a negligible impact on the significance of the building as a whole. It will comprise a simple, lean-to timber framed structure supported off a ground bearing reinforced concrete slab, and bearing onto the brick facade of Burlington House.

The timber frame will be clad externally with standing seam patinated zinc to both the east elevation and, in conjunction with rolled / dimpled double glazing, to the roof to provide a simply articulated volume within the confines of the East Yard.

The textured glass proposed for the rooflights has been selected to match the historic glass used within the Smirke clerestory and Shaw Studio glazing elsewhere in the building. This provides both a uniform non-directional distribution of natural light suitable for the studio use, and also provides privacy both for staff and students within as well as for the Albany residents adjacent.

The floor area of the new extension is essential, as it replaces the area that would be lost by the removal of the existing tented structure. The new extension will provide a higher quality space with better environmental controls and much improved natural light levels to illuminate the space itself and the adjoining rooms.

Objections have been received from and on behalf of residents in Albany, one of which has been withdrawn (subject to conditions which are discussed later in this report). The remaining objection, in design and heritage asset terms, stems in part from the unauthorised existing East Yard 'tent' structure. This is acknowledged to be unattractive,

and its removal would be beneficial to the appearance of the historic building and to the setting of Albany. However, that would not address the second part of the objection which is to the proposed extension both in principle and in terms of its detailed design and the objector states that the, “timber appendage seems to us to constitute a wholly inappropriate accretion to the great Grade II* Listed Building that is the RA, whose elegant eastern elevation should be restored and fully revealed...” The objector also challenges the need for the structure.

As noted above, the floorspace provided is deemed essential by the applicant and there is no reason to doubt that. Regarding the detailed design of the extension, as set out above it is acceptable and the objection is not supportable in heritage asset terms. Similarly, there is no objection in principle to this extension and it is the latest in a long line of additions to the building. The East Yard is not such a precious or architecturally significant space that it cannot contain a modest and carefully designed extension of the kind proposed.

Setting aside the issue of the unauthorised tent, when seen from Albany, the proposed East Yard extension will not appear incongruous or out of character. Therefore, the objection to it, in design and heritage asset terms, is not sustainable.

Alterations to the Smirke & Shaw studio rooflight glazing

The existing arrangement of rooflights dates from Shaw’s alterations and extension to the studios from 1883 - 1885. The Shaw rooflights were constructed from timber frames with thick cast-glass fixed into place with sprigs and putty then decorated. The rooflights are now in a poor condition, there are many areas where they have been leaking and several the panes are cracked. Some of the opaque glass has been replaced with Georgian wired glass. In the Shaw Studios some of the upper sections of glazing are framed in such a way that they may be opened to allow ventilation. Generally, these openable frames are also in a poor condition. The condition of the rooflights means that the internal finishes are constantly exposed to water ingress which has caused localised decay. Ad-hoc patch repairs are no longer sufficient to resolve the issue of this water ingress and a wider scope of repair is required which will remedy details which have led to the interiors being vulnerable to leaks caused by the external envelop.

Extensive works to refurbish these existing rooflights is proposed. A detailed study of the existing rooflights has been carried out and their thermal performance and light transmittance values reviewed. The proposed strategy for works to the rooflights is part of the holistic approach to improving the environmental performance of the Studios.

The current proposal is for all the existing glazing to be removed and recycled where possible. The existing timber frames forming the rooflight structures will be retained and repaired. However, due to their poor condition there may be some locations where replacement of the frames is necessary. If this is the case, the new frames will be timber and will match the details of the existing. The proposal is for the Smirke Studios to be double-glazed with a new slim double-glazed units that would be fitted in a modern aluminium glazing bar planted over the top of the existing timber frames. The Shaw Studio roofs would be re-glazed with laminated single glazing with new slim units on top of the existing frames with modern moulded aluminium glazing bars, to match the external details of the Smirke Studios. Glass has been sourced that will replicate the semi-translucent effect of the old glass. The proposed works would add slightly to the

depth of the rooflights.

The alterations to the rooflights are extensive, but this is a consequence of their current condition and the original fixing detail of the glass, which requires regular redecoration and frequent renewal of the putty. The proposal to over-clad the existing frames with a new glazing system will result in minor alterations to the existing rooflight elements and would cause less than substantial harm to the listed building. However, the existing rooflight details make them vulnerable to water ingress and their thermal performance is poor compared to modern standards.

The proposed rooflight system will not change the internal appearance of the rooflights and would only lead to a very minimal change to their external appearance. The improvement to the thermal performance of the external envelop and the long-term protection to the internal fabric due to improved weather-tightness more than sufficiently outweigh the very slight harm caused by the alteration, in this case the proposal would be justifiable.

Proposed structural works to Shaw studios north wall and studio

The existing north wall of the Shaw Studios is brickwork wall on stepped, brick, foundation. The wall supports the existing roof via principal trusses spaced at 8'-6" (approx. 2.6m) centres. Previous work has shown that the wall is a brick and a half thick and narrows to 9" (approx. 228mm) at the decorative panels. Survey work shows that the wall is being pushed out at the top by the roof load, and the additional load imposed by the new roof build up and new glazing will increase the load of the roof and therefore cause further problems for the wall. Therefore, the wall structure will have to be strengthened.

The submitted application included underpinning the north wall. An alternative approach, which is less invasive has been developed, involving adding cross-ties within the space, as well as installing brackets and horizontal beams. This would result in the introduction of some, small, visible elements within the Studio including the brackets and beams running horizontally. However, it would remove the need for underpinning to the north wall included in the original application (which would have represented a greater level of intervention to the listed building).

To strengthen the partition wall between Studio and the Life Drawing Room, the existing columns currently embedded in the timber partition between the rooms will be supplemented with a new line of columns in the Shaw Studio. Fabricated from steel, they will be connected at the top original trusses of the Shaw Studio roof. The columns will all be concealed behind new wall linings with only the column top and connection detail visible from the room. These elements would be painted to match the rest of the decoration of the Studio.

These alterations are acceptable in heritage asset terms and are essential to preserve the structural integrity of the historic fabric in this part of this part of the building.

Staircase alterations

The exact period of construction of the existing staircase and bridge at the eastern branch of the Cast Corridor is unknown. It does not appear on Smirke's original plans of 1867 and they are different to those on a Shaw drawing of 1883. It is likely that they date

from Shaw's time and were a modification to his design or were constructed shortly afterwards. Their purpose was to link the Schools to the raised ground floor to the Lecture Theatre above. The second part of the staircase from the mezzanine up has long since been removed.

The stair no longer functions as access to the ground floor. Its only current function is to access the digital workshop on the basement mezzanine above the Workshops and the Architecture Studio. The proposal in these spaces involves removal of modern mezzanines and therefore the staircase and bridge will cease to have any function. It is proposed that the former Art Handling space to the south of the staircase is converted to a new Time Based Media Studio. Access to the basement mezzanine level would be required so, rather than constructing a new staircase within the constricted TMB studio area, it is proposed that the existing staircase to the bridge is utilised as the access to the mezzanine workshop.

A study was undertaken to establish if the landing at the bridge could be extended southwards to the south wall and if a new opening could be cut through the south wall (which at this level springs into a vault) to connect to the new TMB studio. The study found that the door would be possible as the extended landing would not allow enough head room over the existing staircase as it winds up from basement to the second half landing.

This proposal reconfigures the staircase to allow it to work as the new access to the TBM studio while continuing to access the existing bridge. It involves modifying the existing staircase so that it winds in the opposite direction which will alter the configuration of the surviving staircase. This would require removing the existing handrail and gate, dismantling the stone steps and the supporting wall. The stone steps would then be assessed for reuse. It could be possible to refinish their underside and reconstruct the staircase so that it rises in the opposite direction and accesses an extend Portland stone landing to the south wall adjacent to the new opening to the basement mezzanine level. In this proposal the stone steps would be reused, and the existing metal balustrade reworked to provide the necessary guarding using the maximum amount of historic material.

While the existing staircase gave some clue as the physical connection of the Schools to the Lecture Theatre in the gallery spaces above, it had clearly been altered before and is a fragment of this link. By reversing the stair, the history of the link can still be understood and the security gate and bridge will survive. The redressing of the underside of the existing Portland stone steps will create a surface that has a newer appearance and will represent the honesty in this reconstruction. The works could be fully documented and added to the RA's existing archive material. The proposal will reuse the maximum amount of historic fabric and the architectural feature of the bridge would be retained. Therefore, although the proposals are radical, the benefit outweighs the less than substantial harm in heritage asset terms.

West elevation alterations

There is a requirement to improve the air intake and the extracts from the cooking and dining areas. The existing arrangement relies on basic extract grilles and louvres on the west facade of Burlington House, just above the existing arched window to the kitchen.

The existing extract grilles and louvres will be removed and the brickwork made good. To provide adequate air extract from the kitchen and canteen it is proposed that new ductwork for air extract are passed through the south wall of the Kitchen so they penetrate to the external area above the main basement door. The extract ductwork will be suspended from the ceiling over the external covered area adjacent to the main basement door and penetrate the south wall to the boiler room. The ductwork will then be brought through an existing louvred opening in the west wall and be surface mounted to rise up to the roof level where it can exhaust. The ductwork will be set off the wall to avoid the cornice and be formed in galvanized steel with access hatches, two access platforms, and a fixed ladder for maintenance purposes.

The west façade of Burlington House has become utilitarian in nature. It is not a publicly visible area and is on the side of the building which is used for servicing. Alternative routes and ways to provide the ventilation and extract systems have been explored but, as space within riser spaces is extremely limited and it is essential to avoid the interiors of the gallery spaces above, the proposal is the least disruptive option. The area already incorporates a number of surface-mounted services, and in this context the addition of further surface mounted ductwork is acceptable.

West entrance: reinstatement of the historic door and lobby

The doors, fanlight and inner lobby at the west end of the Cast Corridor were constructed by Shaw in 1883-1885, when the principal entrance to the Schools was relocated from the east to the west elevation. The historic door and lobby was temporarily removed during the 2015-2019 phase of works to provide a temporary art handling route to the main galleries and a temporary wider door was installed in place of the outer door in 2015 which remains at present.

It is proposed to remove the temporary door and frame and to reinstate the original door, fanlight and inner lobby, which will be taken out of storage and rebuilt, to in their historic form, at the west end of the Cast Corridor. This is beneficial in heritage asset terms and will return the external arrangement and west end of the Cast Corridor back to its 1885 appearance.

Cast corridor alterations

The Cast Corridor is one of the most significant spaces in the Schools. It was part of the original construction by Smirke, of 1867-71, although it was altered by Shaw in 1883-85 when the main entrance to the Schools was repositioned from the east to the west elevation. Shaw also extended the eastern end of the corridor to incorporate the new access to the Cottage staircase (the Cottage overlooks the East Yard). In the mid-twentieth century the east end of the Cast Corridor was closed off to create the current Wood Workshop, through which access was still permitted to get to the Cottage Studios and the East Yard.

The proposed works to the Cast Corridor seek to retain and enhance the character and significance of this space by restoring it to its original length by removal of the Wood Workshop. Various alterations are also proposed include fire compartmentation and four new openings into the new Canteen, Kitchen and Bar. Two of these openings will incorporate glazed double doors, the other two will be fixed internal windows. All openings will have fanlights, similar to the pattern of the fanlights above the studio windows.

The proposed modifications to create further glazed screens and doors between the proposed converted spaces and the corridor are essential to allow these new spaces to work and to provide the visual connection to the rest of the Schools. The modifications will be carried out in a sensitive manner, using the design of existing elements as the basis, and using materials that would match the existing. As these proposals would not change the essential character of the Cast Corridor, the proposed modifications are carefully and fully justified and, overall, beneficial to the Cast Corridor in heritage asset terms,

Cast corridor: installation of platform lift

The eastern branch of the Cast Corridor has been modified since its original construction by Smirke in 1867-71. Major modifications were carried out by Shaw from 1883-1885, and the appearance and character of the eastern branch of the Cast Corridor remains much as it did in 1885.

To provide level access to the Eastern Studios, Architecture Studio, and Time-Based Media Studios, a platform lift is proposed to overcome the four steps at the north end of the eastern branch of the Cast Corridor. It is proposed to install a Sesame Lift, which will incorporate sections of the historic York stone steps and landing. When in its closed position the lift will be invisible in the corridor.

The installation of the platform lift will result in some loss of historic fabric. However, the intervention is as minimal as possible and involves cutting a section of the existing steps so they can be incorporated into the steel frame of the platform lift. A lift pit will be formed and areas of York stone flagstones reused as the flooring of the new platform. Although, this alteration causes some slight harm in heritage asset terms, the long term benefits to improve accessibility more than sufficiently outweighs that very low level of less than substantial harm.

Roof: additional services

The location of WCs, and Time Based Media Studios, deep in the plan of the building requires new ventilation ductwork to provide fresh air and extract. The only option is to mechanically ventilate these areas and a design has been developed to provide air intake and exhaust ductwork in the north-west Octagon riser which would rise to roof level.

For the toilets the intake ventilation ductwork would rise up through the building in the north-west Octagon riser and penetrate the roof to the northwest of the Octagon rooflight. The proposed ductwork would be connected to an external fan on top of the existing services pod, adjacent to the existing dry air coolers. The exhaust air would be taken up in separate ductwork in the north-west Octagon riser. This ductwork would penetrate the low wall at roof level just to the north of the Octagon rooflight. This duct would rise up to parapet level.

For the Time Based Media Studios, the air intake and exhaust would use ductwork concealed in the new floor with a riser in the north-east Octagon service riser connecting up to the roof level. It is proposed that the ducts would penetrate through the raised brickwork wall between the Octagon roof and the adjoining gallery to the north and terminate one metre above the roof finish level.

The roof over the galleries at Burlington House is invisible from all public areas of the adjoining streets and public areas, and it provides space for the mechanical and electrical plant required to service the gallery spaces below. In this context the proposal to add further surface mounted ductwork and an external fan at roof level is acceptable in design and heritage asset terms.

9.5 Residential Amenity

Strong objections have been received in amenity terms to the East Yard infill extension, primarily relating to potential noise and disturbance to residential properties in Albany, particularly from events such as exhibitions, parties, dinners, wedding receptions and corporate events. Objectors are also concerned that light spillage would be harmful to the amenity of residents in Albany.

The proposed replacement extension would be set back further from the Albany than the existing temporary tent structure but is very similar in scale and volume. It is designed with a monopitch leaving space for a 1.2m passageway along the boundary, for maintenance and emergency access only. This is controlled by condition.

Daylight and sunlight

The applicant has submitted a daylight and sunlight assessment which has been carried out with reference to the recommended Building Research Establishment (BRE) guidelines (2011).

Daylight

The most commonly used BRE method for assessing daylighting matters is the 'vertical sky component' (VSC), which measures the amount of sky that is visible from the outside face of a window. If the VSC achieves 27% or more, the BRE advise that the window will have the potential to provide good levels of daylight. It also suggests that reductions from existing values of more than 20% should be avoided as occupiers are likely to notice the change. The BRE stresses that the numerical values are not intended to be prescriptive in every case and are intended to be interpreted flexibly depending on the circumstances. The BRE guidelines seek to protect daylighting to living rooms, kitchens and bedrooms.

Where the layout of affected room is known, the daylight distribution test can plot the 'no sky line' (NSL) which is a point on a working plane in a room between where the sky can and cannot be seen. Comparing the existing situation and proposed daylight distributions helps assess the likely impact a development will have. If, following construction of a new development, the no sky line moves so that the area of the existing room, which does not receive direct skylight, is reduced to less than 0.8 times its former value, this is likely to be noticeable to the occupants.

Sunlight

With regard to sunlighting, the BRE guidelines state that where the amount of sunlight to an existing window is already limited and would be reduced by more than 20% as a result of a development, and has a 4% loss in total annual sunlight hours, the window is likely to be adversely affected. Only windows facing within 90 degrees of due south of

the proposed development need to be tested.

The daylight and sunlight report assesses the impact of the development on windows at the closet properties to the site namely; apartments B2, C1, C2 and D1 within The Albany.

The report demonstrates that there is no change at all to the daylight and sunlight levels currently received and as such each of the above properties will fully meet the BRE criteria for daylight (VSC and NSL) and sunlight (APSH). The report also sets out that “as both the existing tent structure and the proposed development sit within the lee of the other neighbouring properties, this means that even if there were no existing tent structure within the east yard, this assessment would not be affected.”

Sense of Enclosure

The envelope of the proposed replacement structure in the East Yard is very similar to that of the existing temporary tent structure, although it is pitched so that it becomes lower moving toward the Albany’s west elevation. The proposed development would not, consequently, increase the massing or the sense of enclosure experienced by neighbouring residential properties in the Albany.

Noise

New dedicated plant will be centrally located on the western roof of the Royal Academy and a full height kitchen extract duct is proposed on the west elevation. Following objections raised to the initially submitted report, a revised acoustic report has been received which incorporates the results of a further round of noise monitoring closer to the Albany. Environmental Health consider that, taking into consideration the proposed plant, distance attenuation, on site screening, the location of the plant and the proposed attenuation, the noise levels at the nearest residential receptors are predicted to comply with standard noise conditions. Objectors believe that background noise levels at ground floor within the Albany may be lower still than set out within the revised report. Plant is conditioned to be only operational between 07:00 hours and 23:00 and a further post-commissioning report is required to demonstrate that the standard noise conditions can be met prior to the plant being operational.

With regard to noise associated with activity, the proposed East Wing extension has been designed to accommodate studio space. This use is quieter than the existing workshop activity in the tent and would, therefore, result in a reduction in activity levels and any noise which may be associated with it. The proposal has also been designed to meet the relevant modern acoustic insulation standards for buildings. This is a further improvement over the existing situation, where there is a tented structure which does not provide significant acoustic insulation.

The report also provides an assessment of the potential for noise breakout to impact on the neighbouring residential properties. Objectors are concerned that there are inaccuracies within the report and that it relies on inaccurate calculations to demonstrate that internal noise levels can be met.

The applicant has provided a further updated noise assessment that takes into account

the equation correction suggested by the objector. Contributions from the natural ventilation opening have been removed, as this has been omitted from the scheme, and the acoustic performance of the rooflight has been updated. The report shows that the expected level of noise egress to the Albany is well below the proposed noise limits. Environmental Health confirm that the proposed calculations demonstrate that the predicted noise levels are likely to comply with the proposed condition relating to noise from internal activity. The report indicates it would achieve both the day (5dB below) criteria and night (10dB) criteria.

One of the objectors has helpfully suggested conditions that they say will address their concerns and remove their objection in amenity terms, and the applicant has confirmed that they agree to the conditions. These conditions seek to limit internal noise levels within the East Yard extension and require a post-commissioning report to demonstrate that these levels may be met.

Privacy and Light Spillage

The main elevation of the east yard infill extension, facing the Albany, is zinc clad and has been designed without windows or glazed openings in order to protect the amenity of the neighbouring properties to the east within the Albany. There are no direct views across from within the extension toward the Albany's windows with the exception of the glazed doors to the entrance lobby into the extension, where any risk of overlooking is mitigated by the Albany's existing wall at this level which rises to a height in excess of 2.1m.

The windows in the pitched roof of the proposed structure are provided with an internal tensioned blind system fitted to the underside of the rafters. These fully guided blinds will offer full blackout providing both flexibility in the use of the studios during the day as well as preventing any night-time light-spill to the outside, avoiding adverse amenity impacts on Albany residents. The motorised blinds will be controllable during daylight hours to allow attenuation of light levels by the Schools and can be automatically controlled to close during night-time hours in response to daylight/timer controls. The operation of these blinds is controlled by condition.

9.6 Transportation, Accessibility & Servicing

This proposal maintains the same transport, accessibility, and servicing arrangements as existing. No alterations the access is proposed.

9.7 Economy including Employment & Skills

Whilst the development is of insufficient scale to require an employment and skills plan, it will contribute positively to the local economy during the construction phase through the generation of increased opportunities for local employment, procurement and spending.

9.8 Other Considerations

An objection has been raised on the grounds that the "temporary" tent itself, combined with the various large machines and combustible materials stored within it, constitutes a

fire hazard. It is considered that the replacement of the tent with a permanent structure improves the current situation regarding potential fire hazards.

9.9 Environmental Impact Assessment

The proposed development is not of sufficient scale or impact to require an Environmental Impact Assessment.

9.10 Planning Obligations & Pre-Commencement Conditions

Planning obligations are not relevant in the determination of this application.

10. Conclusion

With stringent noise conditions to control internal noise levels, it is considered that the proposals would not result in harm to the amenity of residents in Albany.

In design and heritage asset terms, there are some limited aspects of the proposal which cause a low level of less than substantial harm. However, there are also significant improvements in heritage asset terms and the alterations are necessary to secure the long-term future of the Schools and to preserve the fabric of the building and its special historic and architectural interest.

As such, whilst being mindful of policies 38, 39 and 40 of the City Plan 2019-2040, given the substantial public benefits that would be delivered in terms of providing up-to-date and accessible educational facilities along with some heritage gains, the proposal is considered acceptable in terms of its impact on the affected designated heritage assets. Therefore, the recommendation to grant conditional planning permission and listed building consent is compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.”

(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council’s website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: JO PALMER BY EMAIL AT jpalme@westminster.gov.uk

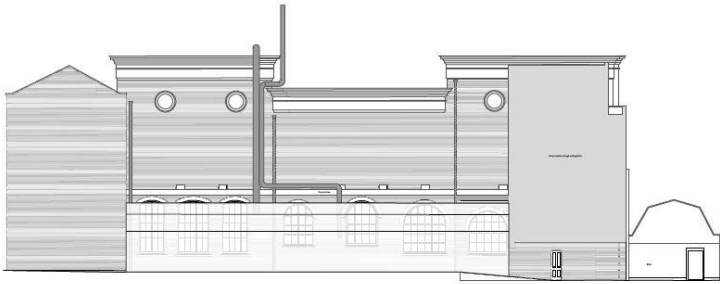
11. KEY DRAWINGS

2.5 Summary of proposed alterations

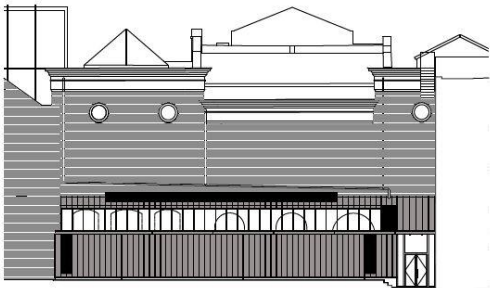


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1154 RAS Design & Access Statement



01 Background East Elevation Existing



02 Proposed East Elevation as Proposed (DCA)

Figure 95: (top) East Elevation as Existing. Figure 96: (bottom) East Elevation as Proposed (DCA).

Heritage Impact Assessment

The East Elevation of the Royal Academy building and the South Elevation of the Cottage are very much a back of house elevations. The elevations are completely hidden from the public view and due to the buildings adjoining the site, it is impossible to get distant views of these elevations. The original architectural fenestration and door openings were fairly utilitarian reflecting the nature of these elevations. The removal of the existing tent structure would be beneficial to the appearance of the historic building. The new extension will cause less than substantial harm to the historic building in that it results in three windows being converted into doorways but to minimize the impact to the external elevations the new design has been carefully considered to make use of complementary materials to the late Victorian architecture. The extension is also of light-weight construction which could be seen as reversible and due to the discrete location of this extension it has a negligible impact on the significance of the building as a whole.

Justification

The proposals would permanently remove the existing tented structure that currently blights the East Elevation and severely diminishes the natural light levels within the adjoining rooms. This element of the proposal is a heritage gain. The floor area of the new extension is essential, as it supplements the area that would be lost by the removal of the existing tented structure. It should be noted that the new extension will provide a higher quality space with better environmental controls and much improved natural light levels to illuminate the space itself and the adjoining rooms.

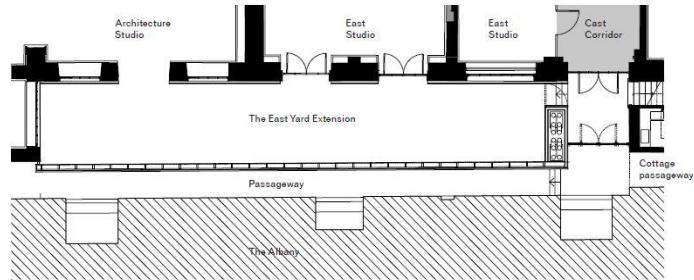
While the new extension would lead to less than substantial harm to the historic fabric, in particular the modification of the three windows into internal doorways, the rest of the extension has been detailed in a way that it could be completely removed without harming this historic building. Due to the ultimate benefits that this proposal would make to the overall operations of the Schools and to the aesthetic improvements to the East Yard, the proposal is justifiable.

5.3 East Yard Extension plans

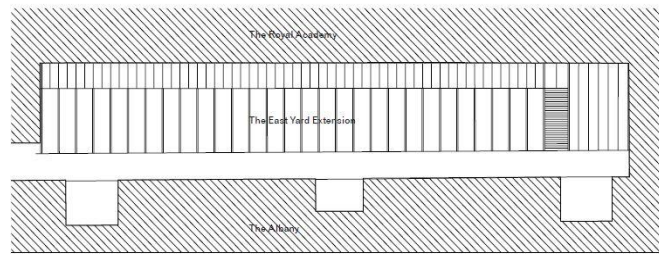
The new 106m² (GIA) extension will provide much needed new studio accommodation to replace that lost through the creation of the new link as part of the RA masterplan in 2018.

Three existing windows within the east elevation of Burlington House will be opened up to floor level to provide level access out into the extension from the studios within.

A new lobby at the northern end of the extension will provide access to the Cast corridor to the west as well as entrances to the Cottages to the north and the East Yard Extension to the south.



Plan of the East Yard Extension within the East Yard



Roof Plan of the East Yard Extension within the East Yard

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1154 RAS Design & Access Statement_BH

2.5 Summary of proposed alterations



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2.4 Proposed access and circulation

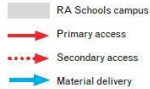
This page shows and describes the amended proposed access and circulation

The Schools' main entrance is at the centre of the Schools cast corridor, reached from the Burlington House 6 Burlington Gardens front entrances providing fully accessible access for staff and students.

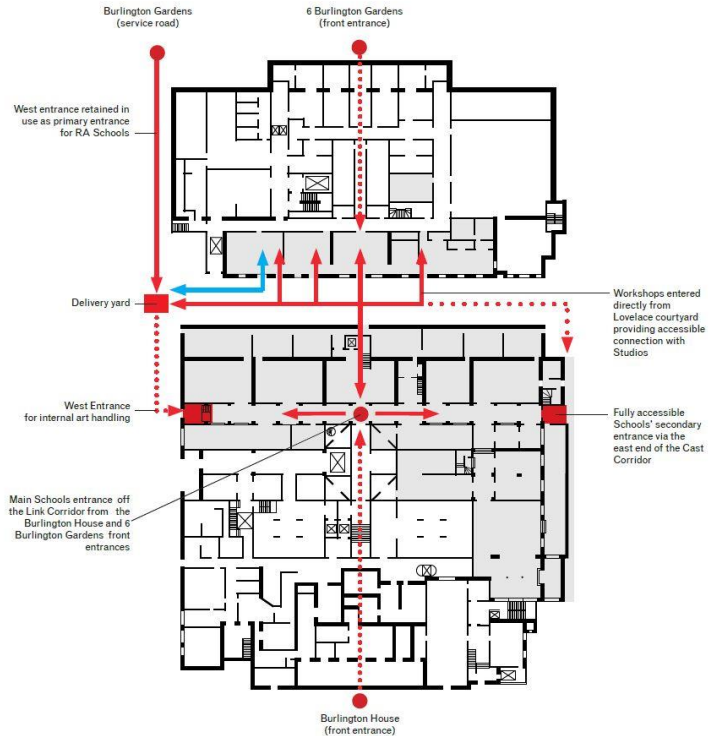
The central courtyard entrance onto the Lovelace Courtyard from the Shaw Studios provides the principal fully paved and accessible route linking the studios and new workshops.

This is supported by secondary entrances at the west end of the Cast Corridor (compromised by the existing stair), and a reinstated (fully accessible) lobbied entrance at the east end of Cast Corridor, reached from the Lovelace Courtyard through the Cottage passageway.

The route along the eastern boundary with the Albany will no longer be used for the regular and noisy use of for the delivery of materials to the workshops, with deliveries going directly into the new workshops at the west end of the Lovelace Courtyard.



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1154 RAS Design & Access Statement_BH

DRAFT DECISION LETTER OF PLANNING APPLICATION

Address: Burlington House, Piccadilly, London, W1J 0BD

Proposal: Internal and external alterations associated with the repair, refurbishment and alteration of the schools accommodation, at lower ground, ground and roof levels; namely internal layout alterations, refurbishment and repair works; external alterations, including the provision of improved services, plant at roof level and new ventilation ductwork including a full height kitchen extract duct to the west elevation, restoration, replacement of existing glazing, roofing at the north elevation, provision of associated roof access equipment, reinstatement of original west entrance, replacement of East Yard tent with permanent extension building, alterations to East Yard ramp, and associated works. (Linked 21/08367/LBC)

Reference: 21/08366/FULL

Plan Nos: 610_PL_GA005 RevA; 610_PL_GA006 RevA; 610_PL_GA042 RevA; 610_PL_GA047 RevA; 610_PL_GA101 RevB; 610_PL_GA102 RevB; 610_PL_GA103 RevB; 610_PL_GA106 RevB; 610_PL_GA107 RevB; 610_PL_GA108 RevB; 610_PL_GA120 RevA; 610_PL_GA121 RevA; 610_PL_GA122 RevA; 610_PL_GA271 RevA; 610_PL_GA282 RevA; 610_PL_GA285 RevA; 610_PL_GA301 RevA; 610_PL_GA302 RevA; 610_PL_GA303 RevA; 610_PL_GA304 RevA; 610_PL_GA305 RevA; 610_PL_GA306 RevA; 610_PL_GA307 RevA; 610_PL_GA308 RevA; 610_PL_GA310 Rev B; 610_PL_GA311 Rev B; 610_PL_GA312 Rev B; 610_PL_GA313 Rev B; 610_PL_GA320 RevA; 610_PL_GA321 RevA; 610_PL_GA322 RevA; 610_PL_GA323 RevA; 610_PL_GA324 RevA; 610_PL_GA401 RevA; 610_PL_GA402 RevA; 610_PL_GA403 RevA; 610_PL_GA404 RevA; 610_PL_GA405 RevA; 610_PL_GA410 RevA; 610_PL_GA411 RevA; 610_PL_GA412 RevA; 610_PL_GA413 RevA; 610_PL_GA414 RevA; 610_PL_GA415 RevA; 610_PL_GA416 RevA; 610_PL_GA417 RevA; 610_PL_GA418 RevA; 610_PL_GA419 RevA; 610_PL_GA501 RevA; 610_PL_GA502 RevA; 610_PL_GA503 RevA; 610_PL_GA504 RevA; 610_PL_GA505 RevA; 610_PL_GA506 RevA; 610_PL_GA601 RevA; 610_PL_GA602 RevA; 610_PL_GA603 RevA; 610_PL_GA604 RevA; 610_PL_GA605 RevA; 610_PL_GA701 RevB; 610_PL_GA702 RevB; 610_PL_GA703 RevA; 610_PL_GA704 RevA; 610_SU020 RevA; 610_SU021 RevA; 610_SU029 RevA; 610_SU034 RevA; 610_SU101 RevA; 610_SU102 RevA; 610_SU103 RevA; 610_SU106 RevA; 610_SU107 RevA; 610_SU108 RevA; 610_SU121 RevA; 610_SU122 RevA; 610_SU123 RevA; 610_SU130 RevA; 610_SU131 RevA; 610_SU280 RevA; 610_SU290 RevA; 610_SU291 RevA; 610_SU292 RevA; 610_SU293 RevA; 610_SU301 RevA; 610_SU302 RevA; 610_SU303 RevA; 610_SU304 RevA; 610_SU305 RevA; 610_SU306 RevA; 610_SU307 RevA; 610_SU308 RevA; 610_SU401 RevA; 610_SU410 RevA; 610_SU411 RevA; 610_SU412 RevA; 610_SU413 RevA; 610_SU414 RevA; 610_SU415 RevA; 610_SU416 RevA; 610_SU417 RevA; 610_SU418 RevA; 610_SU419 RevA; 610_SU420 RevA; 610_SU421 RevA; 610_SU422 RevA; 610_SU423 RevA; 610_SU424 RevA; 610_SU425 RevA; 610_SU426 RevA; 610_SU427 RevA; 610_SU428 RevA; 610_SU430 RevA; 610_SU501 RevA; 610_SU502 RevA; 610_SU503 RevA;

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610_SU504 RevA; 610_SU505 RevA; 610_SU506 RevA; 610_SU601 RevA;
610_SU602 RevA; 610_SU603 RevA; 610_SU604 RevA; 610_SU605 RevA;
610_SU703 RevA; 610_SU704 RevA; SK_213; 21142-R04-H Planning Noise
Report; Ventilation kitchen extract Statement - Rev B; 1154_00_02 00; 1154_00_03
00; 1154_01_02 00; 1154_00_31 00; 1154_00_32 00; 1154_00_33 00; 1154_00_41
00; 1154_00_42 00; 1154_00_43 00; 1154_01_31 00; 1154_01_32 00; 1154_01_33
00; 1154_01_41 00; 1154_01_42 00; 1154_01_43 00; 1154_06_05 00; 1154_06_06
00; 1154_06_15 00; 1154_06_16 00; 1154_07_02 00; 1154_07_03 00; 1154_07_12
00; 1154_07_13 00; 1154_11_02 01; 1154_11_31 00; 1154_11_32 01; 1154_11_33
01; 1154_11_41 00; 1154_11_42 01; 1154_11_43 01; 1154_12_31 00; 1154_12_32
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01; 1154_17_04 01; 1154_18_21 00; 1154_18_22 00; 1154_18_24 00; 1154_18_41
00; 1154_18_42; SK_213 REV 00

Case Officer: Matthew Pendleton

Direct Tel. No. 07866039923

Recommended Condition(s) and Reason(s)

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

Reason:

For the avoidance of doubt and in the interests of proper planning.

- 2 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 3
 1. Where noise emitted from the proposed internal activity in the development will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the internal activity within the East Yard Extension hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 5 dB (07:00 – 23:00) or 10 dB (23:00-07:00) below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest.
 2. Where noise emitted from the proposed internal activity in the development will

contain tones or will be intermittent, the 'A' weighted sound pressure level from the internal activity within the East Yard Extension hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB (07:00 – 23:00) or 15 dB (23:00-07:00) below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest.

3. Following completion of the development, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:

- a. The location of most affected noise sensitive receptor location and the most affected window of it;
- b. Distances between the application premises and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- c. Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (a) above (or a suitable representative position), at times when background noise is at its lowest during the permitted hours of use. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- d. The lowest existing LA90, 15 mins measurement recorded under (c) above;
- e. Measurement evidence and any calculations demonstrating that the activity complies with the planning condition;
- f. The proposed maximum noise level to be emitted by the activity.

Reason:

As set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022), so that the noise environment of people in nearby noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R47BC)

- 4 No part of the East-facing wall of the East Yard Extension facing Albany [within the area outlined in red on Drawing number; SK_213 REV 00] shall be openable, transparent, or translucent.

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in Policies 7, 33 and 38 of the City Plan 2019 - 2040 (April 2021). (R21BD)

- 5 The glass that you put in the roof of the East Yard Extension must not be clear glass, and none of the roof may be openable. You must apply to us for approval of a sample of the glass (at least 300mm square). You must not start work on the relevant part of the development until we have given our written approval for the sample. You must then install the type of glass we have approved and must not change it without our permission. All glazing shall be obscured with automated black-out blinds which close fully (so that no interior light is visible outside of the structure) during the hours of darkness. The blinds shall remain in operation throughout the life of the structure.

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out Policies 7 and 38 of the City Plan 2019 - 2040 (April 2021). (R21AD)

- 6
1. Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 5 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved in writing by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.
 2. Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved in writing by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.
 3. Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant including a proposed fixed noise level for written approval by the City Council. Your submission of a noise report must include:
 - a. A schedule of all plant and equipment that formed part of this application;
 - b. Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
 - c. Manufacturer specifications of sound emissions in octave or third octave detail;
 - d. The location of most affected noise sensitive receptor location and the most affected window of it;
 - e. Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;

- f. Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- g. The lowest existing LA90 (15 minutes) measurement recorded under (f) above;
- h. Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
- i. The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R46AC)

- 7 You must not use the East Yard Extension or operate its plant/machinery that we have allowed (other than to carry out the survey required by this condition) until you have carried out and sent us a post-commissioning noise survey and we have approved the details of the survey in writing. The post-commissioning noise survey must demonstrate that all internal activity and plant/machinery in the East Yard Extension complies with the noise criteria set out in conditions 3 and 6 of this permission.

Reason:

As set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and by contributing to reducing excessive ambient noise levels. (R51BC).

- 8 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.2m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property. (C48AB)

Reason:

To ensure that the development is designed to prevent structural transmission of noise or vibration and to prevent adverse effects as a result of vibration on the noise environment in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R48AB)

- 9 The plant/machinery hereby permitted shall not be operated except between 07:00 hours and 23:00 hours daily. (C46CA)

Reason:

To safeguard the amenity of occupiers of noise sensitive receptors and the area generally by ensuring that the plant/machinery hereby permitted is not operated at hours when external background noise levels are quietest thereby preventing noise and vibration nuisance as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) the Environmental Supplementary Planning Document (February 2022). (R46CC)

- 10 The passageway between the East Yard Extension and the wall of Albany blocks B, C and D must be used for maintenance and emergency access only.

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out Policies 7 and 38 of the City Plan 2019 - 2040 (April 2021). (R21AD)

- 11 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:
- o between 08.00 and 18.00 Monday to Friday;
 - o between 08.00 and 13.00 on Saturday; and
 - o not at all on Sundays, bank holidays and public holidays.

You must carry out piling, excavation and demolition work only:

- o between 08.00 and 18.00 Monday to Friday; and
- o not at all on Saturdays, Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given

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every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

- 2 Under the Construction (Design and Management) Regulations 2015, clients, the CDM Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following: , , * Hazards to safety must be avoided if it is reasonably practicable to do so or the risks of the hazard arising be reduced to a safe level if avoidance is not possible; , , * This not only relates to the building project itself but also to all aspects of the use of the completed building: any fixed workplaces (for example offices, shops, factories, schools etc) which are to be constructed must comply, in respect of their design and the materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the design stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant. Preparing a health and safety file is an important part of the regulations. This is a record of information for the client or person using the building and tells them about the risks that have to be managed during future maintenance, repairs or renovation. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/risk/index.htm.

It is now possible for local authorities to prosecute any of the relevant parties with respect to non compliance with the CDM Regulations after the completion of a building project, particularly if such non compliance has resulted in a death or major injury.

- 3 Conditions 6 and 9 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (182AA)
- 4 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (including date decision and planning reference number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.

Please note: the full text for informatives can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.

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DRAFT DECISION LETTER OF LISTED BUILDING CONSENT

Address: Burlington House, Piccadilly, London, W1J 0BD

Proposal: Internal and external alterations associated with the repair, refurbishment and alteration of the schools accommodation, at lower ground, ground and roof levels; namely internal layout alterations, refurbishment and repair works; external alterations, including the provision of improved services, plant at roof level and new ventilation ductwork including a full height kitchen extract duct to the west elevation, restoration, replacement of existing glazing, roofing at the north elevation, provision of associated roof access equipment, reinstatement of original west entrance, replacement of East Yard tent with permanent extension building, alterations to East Yard ramp, and associated works. (Linked 21/08366/FULL)

Reference: 21/08367/LBC

Plan Nos: 610_PL_GA005 RevA; 610_PL_GA006 RevA; 610_PL_GA042 RevA; 610_PL_GA047 RevA; 610_PL_GA101 RevB; 610_PL_GA102 RevB; 610_PL_GA103 RevB; 610_PL_GA106 RevB; 610_PL_GA107 RevB; 610_PL_GA108 RevB; 610_PL_GA120 RevA; 610_PL_GA121 RevA; 610_PL_GA122 RevA; 610_PL_GA271 RevA; 610_PL_GA282 RevA; 610_PL_GA285 RevA; 610_PL_GA301 RevA; 610_PL_GA302 RevA; 610_PL_GA303 RevA; 610_PL_GA304 RevA; 610_PL_GA305 RevA; 610_PL_GA306 RevA; 610_PL_GA307 RevA; 610_PL_GA308 RevA; 610_PL_GA310 Rev B; 610_PL_GA311 Rev B; 610_PL_GA312 Rev B; 610_PL_GA313 Rev B; 610_PL_GA320 RevA; 610_PL_GA321 RevA; 610_PL_GA322 RevA; 610_PL_GA323 RevA; 610_PL_GA324 RevA; 610_PL_GA401 RevA; 610_PL_GA402 RevA; 610_PL_GA403 RevA; 610_PL_GA404 RevA; 610_PL_GA405 RevA; 610_PL_GA410 RevA; 610_PL_GA411 RevA; 610_PL_GA412 RevA; 610_PL_GA413 RevA; 610_PL_GA414 RevA; 610_PL_GA415 RevA; 610_PL_GA416 RevA; 610_PL_GA417 RevA; 610_PL_GA418 RevA; 610_PL_GA419 RevA; 610_PL_GA501 RevA; 610_PL_GA502 RevA; 610_PL_GA503 RevA; 610_PL_GA504 RevA; 610_PL_GA505 RevA; 610_PL_GA506 RevA; 610_PL_GA601 RevA; 610_PL_GA602 RevA; 610_PL_GA603 RevA; 610_PL_GA604 RevA; 610_PL_GA605 RevA; 610_PL_GA701 RevB; 610_PL_GA702 RevB; 610_PL_GA703 RevA; 610_PL_GA704 RevA; 610_SU020 RevA; 610_SU021 RevA; 610_SU029 RevA; 610_SU034 RevA; 610_SU101 RevA; 610_SU102 RevA; 610_SU103 RevA; 610_SU106 RevA; 610_SU107 RevA; 610_SU108 RevA; 610_SU121 RevA; 610_SU122 RevA; 610_SU123 RevA; 610_SU130 RevA; 610_SU131 RevA; 610_SU280 RevA; 610_SU290 RevA; 610_SU291 RevA; 610_SU292 RevA; 610_SU293 RevA; 610_SU301 RevA; 610_SU302 RevA; 610_SU303 RevA; 610_SU304 RevA; 610_SU305 RevA; 610_SU306 RevA; 610_SU307 RevA; 610_SU308 RevA; 610_SU401 RevA; 610_SU410 RevA; 610_SU411 RevA; 610_SU412 RevA; 610_SU413 RevA; 610_SU414 RevA; 610_SU415 RevA; 610_SU416 RevA; 610_SU417 RevA; 610_SU418 RevA; 610_SU419 RevA; 610_SU420 RevA; 610_SU421 RevA; 610_SU422 RevA; 610_SU423 RevA; 610_SU424 RevA; 610_SU425 RevA; 610_SU426 RevA; 610_SU427 RevA; 610_SU428 RevA; 610_SU430 RevA; 610_SU501 RevA; 610_SU502 RevA; 610_SU503 RevA; 610_SU504 RevA;

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610_SU505 RevA; 610_SU506 RevA; 610_SU601 RevA; 610_SU602 RevA;
610_SU603 RevA; 610_SU604 RevA; 610_SU605 RevA; 610_SU703 RevA;
610_SU704 RevA; SK_213; 21142-R04-H Planning Noise Report; P2509 Daylight &
Sunlight Report; Ventilation kitchen extract Statement - Rev B;
1154_00_02 00; 1154_00_03 00; 1154_01_02 00; 1154_00_31 00; 1154_00_32 00;
1154_00_33 00; 1154_00_41 00; 1154_00_42 00; 1154_00_43 00; 1154_01_31 00;
1154_01_32 00; 1154_01_33 00; 1154_01_41 00; 1154_01_42 00; 1154_01_43 00;
1154_06_05 00; 1154_06_06 00; 1154_06_15 00; 1154_06_16 00; 1154_07_02 00;
1154_07_03 00; 1154_07_12 00; 1154_07_13 00; 1154_11_02 01; 1154_11_31 00;
1154_11_32 01; 1154_11_33 01; 1154_11_41 00; 1154_11_42 01; 1154_11_43 01;
1154_12_31 00; 1154_12_32 01; 1154_12_33 01; 1154_16_07 01; 1154_16_08 01;
1154_16_09 00; 1154_16_10 01; 1154_17_04 01; 1154_18_21 00; 1154_18_22 00;
1154_18_24 00; 1154_18_41 00; 1154_18_42.

Case Officer: Matthew Pendleton

Direct Tel. No. 07866 039923

Recommended Condition(s) and Reason(s)

- 1 The works hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 2 All new work and improvements inside and outside the building must match existing original adjacent work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the approved drawings or are required in conditions to this permission. (C27AA)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

Informative(s):

- 1 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes: , * any extra work which is necessary after further assessments of the building's condition; , * stripping out or structural investigations; and, * any

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work needed to meet the building regulations or other forms of statutory control., , Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents., , It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (I59AA)

- 2 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework, the London Plan (March 2021), the City Plan (April 2021), as well as relevant supplementary planning guidance, representations received and all other material considerations., , The City Council has had special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses and has decided that the proposed works would not harm this special architectural or historic interest; or where any harm has been identified it has been considered acceptable in accordance with the NPPF., , In reaching this decision the following were of particular relevance:, Policies 38, 39 and 40 of the City Plan 2019 - 2040 adopted in April 2021 and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

Please note: the full text for informatives can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.

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CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 29 November 2022	Classification For General Release	
Report of Director of Town Planning & Building Control		Ward(s) involved St James's	
Subject of Report	9-11 Langley Court, London, WC2E 9JY		
Proposal	Erection of additional second floor level extension, installation of kitchen extract duct from basement to roof level, and associated works in connection with use of the building as a restaurant (Class E).		
Agent	Spencer Architecture Ltd		
On behalf of	Adelaide Estates Ltd		
Registered Number	22/02426/FULL	Date amended/ completed	21 April 2022
Date Application Received	8 April 2022		
Historic Building Grade	Unlisted		
Conservation Area	Covent Garden		
Neighbourhood Plan	N/A		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY & KEY CONSIDERATIONS

9-11 Langley Court is a former warehouse which was converted to retail use in the 1980s but is now vacant. The building comprises basement, ground floor and a first floor with retail frontage at ground floor, metal windows above and a rendered facade. The building lies within a pedestrian passageway which extends from Long Acre to Floral Street. The building lacks character and architectural quality and makes a neutral contribution to the Covent Garden conservation area.

The application proposes to erect an additional second floor level extension, install a kitchen extract duct from basement to roof level, with associated works in connection with use of the building as a restaurant (Class E).

The application originally proposed a smaller second floor extension with the remainder of roof converted to a terrace for external dining. The terrace has been removed from the scheme and replaced with a full width second floor extension.

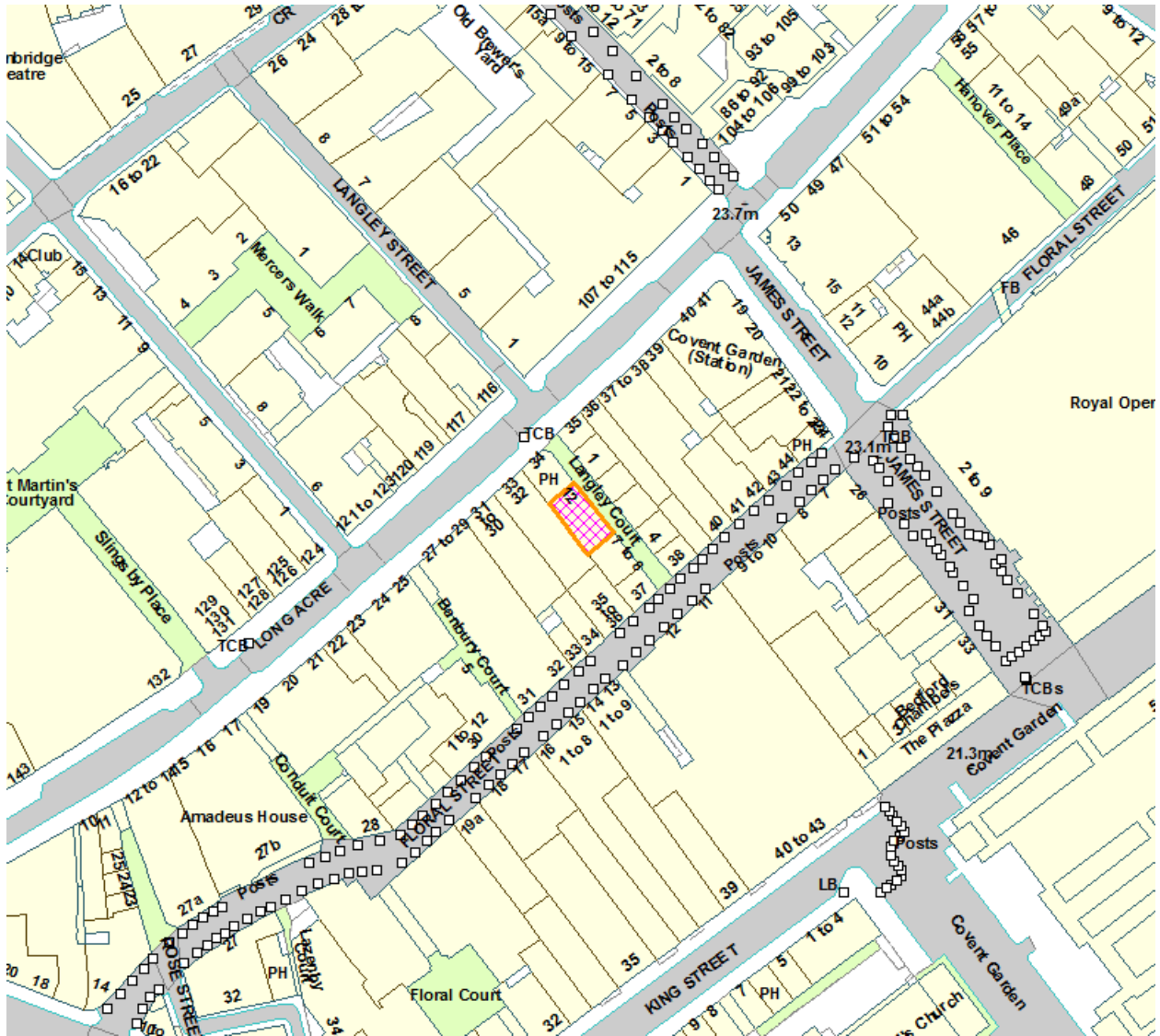
The key considerations in this case are:

- The acceptability of an enlarged restaurant (Class E) in this location in land use terms;
- The impact of the use and kitchen extract duct on the amenity of neighbouring residential properties and local environmental quality; and
- The impact of the proposed alterations upon the appearance of the building and the character and appearance of the Covent Garden Conservation Area.

Objectors are primarily concerned about the building being used as a restaurant and its potential to generate noise and disturbance that will harm nearby residents.

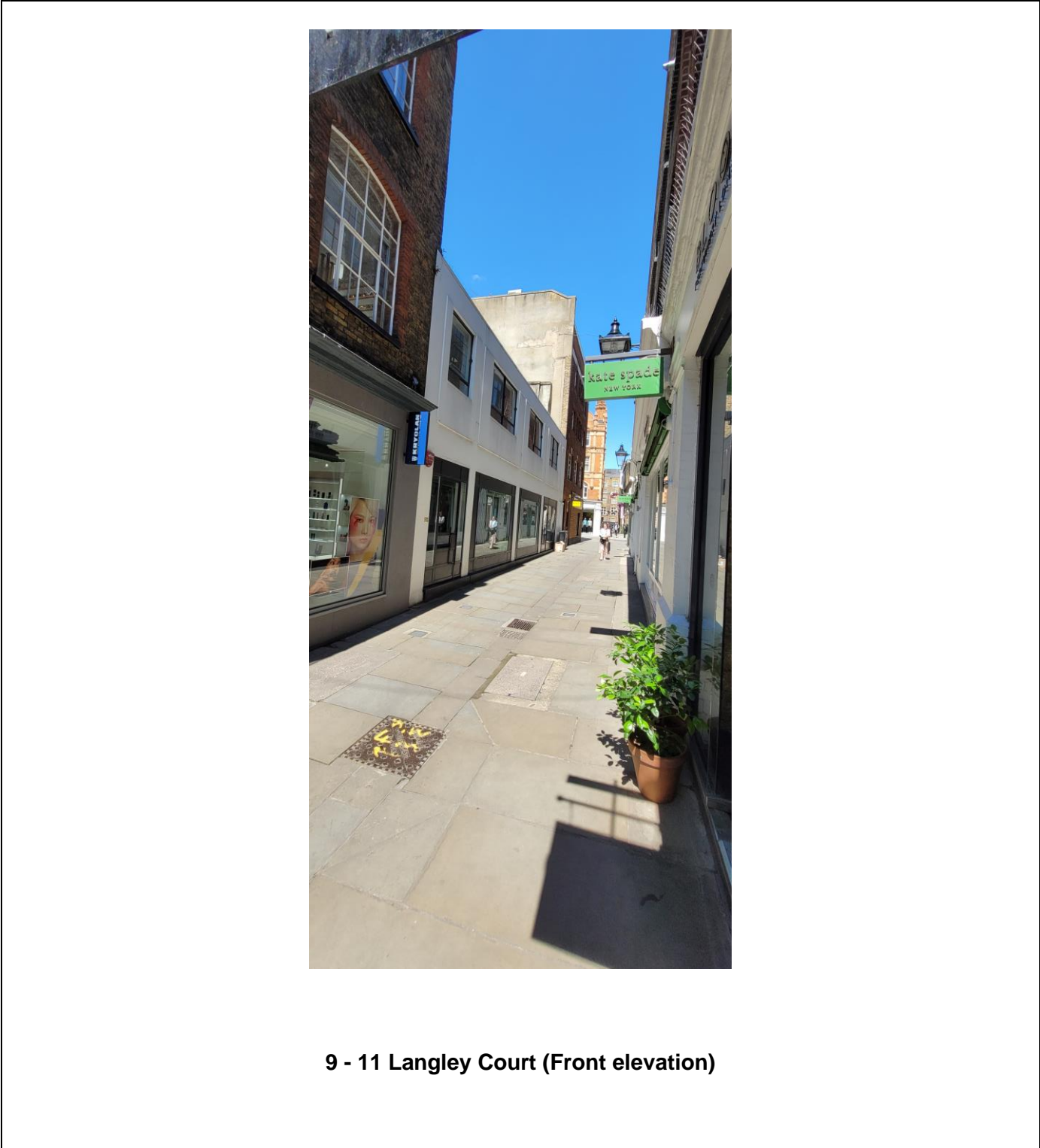
As set out in this report and following amendments to the proposal (including removal of a second floor outdoor terrace dining area), the proposed development accords with the relevant policies in the Westminster's City Plan 2019 – 2040 (the City Plan). The application is therefore considered acceptable in land use, design, heritage, and amenity terms, and is recommended for approval subject to the conditions set out in the draft decision letter.

3. LOCATION PLAN



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4. PHOTOGRAPHS





View towards rear/ flat roof of 9 -11 Langley Court

5. CONSULTATIONS

5.1 Application Consultations

Second consultation: 18 July 2022

Amendments were made to the original proposals, including:

- removal of roof terrace for external dining; and
- a proposed full width second floor level extension in lieu of the roof terrace.

COVENT GARDEN COMMUNITY ASSOCIATION:

No further response.

COVENT GARDEN AREA TRUST:

No further response.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 124

Total No. of replies: 2

No. of objections: 2

No. in support: 0

Objections on some or all of the following grounds:

Land Use/ Residential Amenity:

- Objection to use as a restaurant;
- Noise and disturbance from open windows;
- Noise and disturbance from customers coming and going throughout the day and night;
- Likelihood of troublesome odours.

Other

- Noise and disturbance from construction works; and
- Neighbouring property values will decrease.

First consultation: 28 April 2022

Original proposals included. a half width second floor extension with the remainder of the roof being used as a terrace for outdoor dining.

COVENT GARDEN COMMUNITY ASSOCIATION:

Object to the proposed roof terrace dining area on grounds it would cause considerable disturbance to the local area and residents.

As this is proposed to be a large restaurant diners should be dispersed to Long Acre rather than Floral Street, deliveries should not take place before 8am, bottles should be disposed of by bin swop and no bottle tipping, and roof top plant should be turned off at the restaurant's closing time.

COVENT GARDEN AREA TRUST:

Object to the proposed roof terrace dining area in such a quiet, narrow, and modestly

proportioned residential area.

ENVIRONMENTAL SCIENCES:

No objection subject to conditions to control noise from plant.

HIGHWAYS PLANNING MANAGER:

No objection subject to conditions relating to cycle parking, a servicing management plan (SMP), and deliveries.

WASTE PROJECTS OFFICER:

Object on grounds the waste details are insufficient. A revised drawing is required to show area of waste storage, bin capacity, and bins for recycling, food waste, and general waste.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 124

Total No. of replies: 7

No. of objections: 7 (incl. 3 responses from one address)

No. in support: 0

Objections on some or all of the following grounds:

Land Use/ Residential Amenity:

- Rooftop terrace dining area would cause considerable disturbance to local residents to rear;
- A more suitable use would be ground floor retail with residential flats above;
- Noise and disturbance from restaurant use;
- Noise and disturbance from extract duct;
- Overlooking of flats to rear from outdoor diners using roof terrace;
- Loss of light to flats to rear;
- Noise and disturbance from deliveries.

Other

- Neighbouring property values will decrease.

PRESS NOTICE/ SITE NOTICE:

Yes

5.2 Applicant's Pre-Application Community Engagement

Formal pre-application engagement is not required for a development of this scale although it is encouraged by the City Council for all development. Therefore, whilst details of any pre-application engagement with neighbours that may have taken place has not been submitted, this is not contrary to the expectations of the guidance for development of this scale.

6. WESTMINSTER'S DEVELOPMENT PLAN

6.1 City Plan 2019-2040 & London Plan

The City Plan 2019-2040 was adopted at Full Council on 21 April 2021. The policies in the City Plan 2019-2040 are consistent with national policy as set out in the National Planning Policy Framework (NPPF) (July 2021) and should be afforded full weight in accordance with paragraph 219 of the NPPF. Therefore, in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan, which was adopted by the Mayor of London in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 6.2).

As set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 49 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

6.2 Neighbourhood Planning

The application site is not located within an area covered by a Neighbourhood Plan.

6.3 National Policy & Guidance

The City Plan 2019-2040 policies referred to in the consideration of this application have been examined and have been found to be sound in accordance with tests set out in Paragraph 35 of the NPPF. They are considered to remain consistent with the policies in the NPPF (July 2021) unless stated otherwise.

7. BACKGROUND INFORMATION

7.1 The Application Site

Langley Court is a pedestrian passageway, which extends from Long Acre to Floral Street, and is located within the Covent Garden Conservation Area, and Central Activities Zone.

9-11 Langley Court is a former warehouse which was converted to retail use in the 1980s but is now vacant. The building comprises basement, ground floor and a first floor with retail frontage at ground floor, metal windows above and a rendered facade. The building lacks character and architectural quality and makes a neutral contribution to the conservation area.

7.2 Recent Relevant History

24 September 1987, permission granted for:
'Change of use from warehouse to retail'
(ref. 87/00923/FULL)

28 November 1998, permission granted for:

'Use of first floor offices and erection of new second floor to provide design studio and showroom with balcony to rear. Relocation of air conditioning units to rear elevation' (ref. 98/08055/FULL).

8. THE PROPOSAL

The applicant seeks to convert the vacant retail building to a restaurant (Class E), together with a second floor extension and new kitchen extract duct.

The kitchen will be located in the basement, with restaurant dining areas at ground, first and new second floor level. The kitchen extract runs from the basement kitchen up the rear (West) wall to the roof above the proposed second floor extension where the extract fan will be located.

The application originally proposed a smaller/ half width second floor extension with the remaining roof converted to a terrace for external dining. The terrace/ outdoor dining area was removed from the scheme as it would have created unacceptable noise and disturbance for neighbouring residents to the rear in Floral Street, Long Acre, and Banbury Court. Subsequently, the terrace area has been replaced with a larger full width second floor extension.

Table: Existing and proposed land uses.

Land Use	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Retail (Class E)	232		
Restaurant (Class E)		316	+84

9. DETAILED CONSIDERATIONS

9.1 Land Use

Land Use Policy Overview

City Plan Policy 1 (*Westminster's spatial strategy*) seeks to balance the competing functions of the Central Activities Zone (CAZ) as a retail and leisure destination, visitor attraction, global office centre, and home to residential neighbourhoods.

City Plan Policy 2 (*Spatial Development Priorities: West End Retail and Leisure Special (WERLSPA)*) seeks improved leisure experiences and a diverse evening and night-time economy.

City Plan Policy 16(A) (*Food, drink, and entertainment*) states proposals for food and drink and entertainment uses will be of a type and size appropriate to their location. The over-concentration of those uses will be further prevented where this could harm residential amenity, the vitality and character of the local area or the diversity that defines the role and function of the town centre. Applications for entertainment uses will need to demonstrate wider benefits for the local community, where appropriate.

Related residential amenity policies

City Plan Policy 7(B) (*Managing development for Westminster's people*) requires new development to be neighbourly by protecting, and where appropriate enhancing local environmental quality.

City Plan Policy 33 (C) (*Local environmental impacts*) relates to noise and states development should prevent adverse effects of noise, with particular attention to:

- i. minimising noise impacts and preventing noise intrusion to residential developments and sensitive uses;
- ii. minimising noise from plant machinery and internal activities;
- iii. minimising noise from servicing and deliveries; and
- i. protecting the relative tranquillity in and around open spaces.

City Plan Policy 33 City Plan Policy 33 (D) (*Local environmental impacts*) relates to Odour, and states development will effectively address the adverse impact of odour through the incorporation of appropriate mitigation measures using a precautionary approach.

Legislation

Class E (*Commercial, Business and Service*) of the Use Classes Order 1987 (as amended) was introduced on 1st September 2020. It amalgamates a number of uses that previously fell within Classes A1, A2, A3, B1, D1 and D2; shops, restaurants, financial and professional services, indoor sport, recreation or fitness, health, or medical services, creche, nursery or day centre principally to visiting members of the public, an office, research and development, or any industrial process that can be carried out in any residential area without detriment to amenity.

Proposed restaurant (Class E)

Langley Court has a prominently commercial character, typical of the WERLSPA and this part of the CAZ. However, to the rear there are residential units on the upper floors of buildings on Floral Street, Long Acre, and Banbury Court.

Objectors are concerned about the building being used as a restaurant, primarily on the grounds that there will be noise and disturbance from customers coming and going throughout the day and night, and also from the building itself (open windows). In addition, concerns have been raised about potential odours from the new kitchen extract duct.

Food, drink, and entertainment uses need to be carefully managed to prevent harmful impacts on residential amenity and local environmental quality. They have the greatest potential to generate noise and disturbance in nearby streets and to adversely affect local amenity. Although, there can be considerable variation between the effects of different types of food / drink / entertainment uses.

The proposal involves converting the existing vacant retail unit to a restaurant. Both these uses now fall within Class E.

The existing vacant retail unit comprises 232 sqm and could change to a restaurant without planning permission and providing there is no further extension.

The proposal would provide an enlarged Class E restaurant comprising 316 sqm (an additional 84 sqm of restaurant floorspace with the new second floor extension).

The restaurant would operate over four floors. The plans show that the kitchen and staff facilities will be located in the basement, with a dining area and bar at ground floor, a dining area at first floor, and a bar and dining area at new second floor level. The plans show that the restaurant would be capable of hosting circa 120 covers.

A condition is recommended in respect of the use, to restrict it to a restaurant or non-food retail purpose only. This will ensure that the building would not change to another Class E use that has potential to cause nuisance (for example, a food retailer that may result in daily increased servicing).

A condition is also recommended to limit the size of any bar and bar seating area so that it takes up no more than 15% of the floor area, and also so that it's used to serve restaurant customers only.

Noise

A condition is recommended requiring an Operational Management Plan to show the operators will prevent customers from causing nuisance for people in the area, including people who live in nearby buildings.

No hours of use are specified within the application. A condition is recommended requiring the proposed restaurant to operate within the hours of 8am and midnight, which broadly aligns with similar restaurant operating hours in the wider area.

In terms of noise outbreak and to prevent noise and disturbance to those residents to the rear, it is recommended that all rear doors and windows are fixed shut permanently or during restaurant opening hours. The proposed second floor extension includes two new high level windows in the rear elevation. A condition is recommended requiring that these are permanently fixed shut. The existing building has a rear door and balcony at first floor level. A condition is recommended requiring that the doors are fixed shut and the balcony not used during restaurant operating hours.

Conditions are also recommended to prevent the use of the second floor extension roof as a balcony, as well as a requirement that no live or recorded music to be played in the Class E use that is audible externally or in the adjacent properties.

To the front elevation, the plans show the provision of an internal ground floor lobby which is welcomed as it will help prevent noise breaking when customers are coming and going. This is also secured by condition.

Odours

The proposed kitchen extract runs from the basement kitchen and up the rear (West)

wall to the roof above the proposed second floor extension, where the extract fan will be located.

The application is supported by an Odour Control Assessment in relation to the kitchen extract duct. This assessment assess the proposal in accordance with guidance set out by the Institute of Air Quality Management (IAQM) 'Guidance on the assessment of odour for planning', and the council's recommendation for a hot food use operation 'Prevention of odour and fume nuisance from commercial kitchen exhaust systems'.

The kitchen extract duct is designed to discharge at roof level and clear of all windows in the vicinity. In addition, mitigation measures for odour control are proposed at the base of the duct, where it is easily accessed for maintenance purposes.

The applicant is advised by informative that they must register a food business with the council, where under environmental health legislation, the food business must meet our standards on ventilation and other equipment so it does not cause noise, smells, or other types of nuisance.

Conditions

To protect the environment of people in neighbouring properties as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021), it is considered both appropriate and necessary to impose conditions to control the use of the building and operation of the restaurant. The recommended conditions are set out below:

Conditions for use

- Restrictive Class E use for restaurant or non-food retail purposes only (con. 4)
- Operational Management Plan to show the operators will prevent customers from causing nuisance for people in the area, including people who live in nearby buildings (con.5)
- No live or recorded music to be played in the Class E use that is audible externally or in the adjacent properties (con.6)
- Hours of use, 8am – Midnight (con.7)
- Rear second floor windows and doors permanently fixed shut or during opening hours (cons. 8 and 9).
- Restricting use of the extension roof as a terrace (con.10)
- Details of a Servicing Management Plan (con.12)
- No delivery service (con.14)
- Waste storage (con.15)
- Kitchen Extract Ventilation (cons. 16, 17 and 18)
- Restriction on size of ancillary bar to 15% of floorspace (con. 19)
- Internal/ acoustic lobby (con 20)

Land use conclusion

The restaurant is located within a predominately commercial part of the CAZ, typical of the WERLSPA. However, residential units can be found to the rear on the upper floors of buildings on Floral Street, Long Acre, and Banbury Court.

In this case, with appropriate conditions to control its operation, it is considered that the restaurant could operate without causing notable harm.

This planning application also provides an opportunity through the recommended conditions to gain greater control over the use of the unit, which would not otherwise have been possible if the existing building without an extension is converted into a restaurant. In these circumstances, the proposed change of use to a restaurant is considered acceptable.

9.2 Environment & Sustainability

The applicant states that the existing roof of the building is devoid of modern insulation and this proposal gives the opportunity to enhance the insulation levels at the top of the building where heat loss is at the maximum. In addition, the applicant proposes high quality durable materials.

9.3 Biodiversity & Greening

The proposals do not increase biodiversity/ provide greening.

9.4 Townscape, Design & Heritage Impact

Legislative & Policy Context

The key legislative requirements in respect to designated heritage assets are as follows:

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the LBCA Act') requires that *"In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."*

Section 72 of the LBCA Act requires that *"In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."*

Whilst there is no statutory duty to take account of effect on the setting of a conservation area, Policy 39(K) in the City Plan 2019-2040 requires that where development will have a visibly adverse effect upon a conservation area's recognised special character or appearance, including intrusiveness with respect to any recognised and recorded familiar local views into, out of, within or across the area, it will not be permitted.

Furthermore Chapters 12 and 16 of the NPPF require great weight be placed on design quality and the preservation of designated heritage assets including their setting. Chapter 16 of the NPPF clarifies that harmful proposals should only be approved where the harm caused would be clearly outweighed by the public benefits of the scheme, taking into account the statutory duty to have special regard or pay special attention, as

relevant. This should also take into account the relative significance of the affected asset and the severity of the harm caused.

The relevant design related City Plan policies are 38 (*Design Principles*), 39 (*Westminster's Heritage*), and 40 (*Townscape and architecture*).

Design

9-11 Langley Court is a former warehouse which was converted to retail use in the 1980s. The building comprises basement, ground floor and a first floor with retail frontage at ground floor, metal windows above and a rendered facade. The building lies within a pedestrian passageway which extend from Long Acre to floral Street. The building lacks character and architectural quality and makes a neutral contribution to the conservation area.

Key considerations from a design townscape perspective are the impact upon the appearance of the building and the character and appearance of the conservation area, taking into account the established building heights and townscape scale of the buildings with the immediate context of the site.

The proposal seeks to erect an additional storey at second floor level. The neighbouring buildings extend a further two storeys above the application site, suggesting that the property could comfortably accommodate an additional storey. Initial proposals sought a half width extension allow for an adjacent accessible roof terrace. The unbalanced composition of the extension was considered visually awkward and revisions were suggested. Subsequently the revised scheme proposes a sheer storey across the whole of the site, which would align with the parapet on no. 7-8. Its facade treatment will replicate the fenestration pattern and details of the first floor, including the raised panelling. The facade will feature a substantial parapet, which is not considered unusual on a building of this type.

From a townscape perspective, it would have been desirable to enhance the appearance of the building and introduce some character. However, reproducing the ground floor at first floor level is not a unsound approach and would maintain the buildings appearance and preserve the character and appearance of the conservation area.

To the rear, the kitchen extract runs from the basement kitchen up the rear (West) wall to the roof above the proposed second floor extension where the extract fan will be located. The treatment of the back of the building is less of a concern given its enclosed nature.

Subject to conditions ensuring that the windows and render match the existing, the proposals are supported in townscape and design grounds.

9.5 Residential Amenity

Residential Amenity Policy Overview

City Plan Policy 7(A) (Managing development for Westminster's people) requires new development to be neighbourly by protecting and where appropriate enhancing amenity, by preventing unacceptable impacts in terms of daylight and sunlight, sense of enclosure, overshadowing, privacy and overlooking.

City Plan Policy 7(B) (*Managing development for Westminster's people*) requires new development to be neighbourly by protecting, and where appropriate enhancing local environmental quality.

City Plan Policy 33 (A) (Local environmental impacts) states that the council will make sure that quality of life and health and wellbeing of existing and future occupiers, and the natural environment are not adversely affected by harmful pollutants and other negative impacts on the local environment.

City Plan Policy 33 City Plan Policy 33 (C) (*Local environmental impacts*) relates to noise and states development should prevent adverse effects of noise, with particular attention to:

- ii. minimising noise impacts and preventing noise intrusion to residential developments and sensitive uses;
- ii. minimising noise from plant machinery and internal activities;
- iii. minimising noise from servicing and deliveries; and
- ii. protecting the relative tranquillity in and around open spaces.

Policy 38 (C) (*Design principles*) states that all development will place people at the heart of design, creating inclusive and accessible spaces and places, introducing measures that reduce the opportunity for crime and anti-social behaviour, promoting health, well-being and active lifestyles through design and ensuring a good standard of amenity for new and existing occupiers.

The Environmental Supplementary Planning Document (SPD (Feb 2022)) also builds upon environmental policy within the City Plan 2019-204.

Daylight & Sunlight & Sense of Enclosure

The proposal seeks to erect an additional storey at second floor level. The neighbouring buildings, either side on Langley Court, extend a further two storeys above the application site.

To the rear there are, residential units on the upper floors of buildings on Floral Street, Long Acre, and Banbury Court. It is considered that the proposed application site is sufficiently distant from these neighbouring residential units. In this respect the additional storey will not have an unacceptable impact in terms of daylight and sunlight, and sense of enclosure.

Privacy

The existing building has rear openings including patio doors and a balcony at rear first floor level. The additional second floor extension includes high level windows. It is considered that these windows would not have an unacceptable impact in terms of overlooking, given the distance and orientation of rear neighbouring residential units.

Noise & Vibration

The proposals includes an extract duct that will exit the kitchen at basement level and run vertically up the rear façade to the second floor roof, through the parapet wall to the extract fan and silencer before turning vertically to the top of the party wall. There will also be odour control at the base of the duct where it is easily accessed for maintenance purposes.

The application is supported by way of an acoustic report that demonstrates the equipment can comply with Westminster's noise criteria. The acoustic report has been reviewed by Environmental Sciences who raise no objection on environmental noise or nuisance grounds subject to the recommended conditions.

Issues of noise breakout from the proposed residential use are addressed in section 9.1 with conditions recommended to require the rear second floor windows and doors to be permanently fixed shut or fixed shut during opening hours (conditions 8 and 9).

9.6 Transportation, Accessibility & Servicing

Highway Impact

The site is well served by public transport and there is no significant change in pedestrian or vehicular traffic expected from the change from retail (Class E) to restaurant use (Class E). It is considered that in terms of people arriving and departing, the levels would not be significant in highways planning terms. The site is also within a Control Parking Zone which means anyone who does drive to the site will be subject to those controls.

Servicing and Waste & Recycling Storage

Policy 29 (D) (Freight and Servicing) requires servicing, collection and delivery needs to be met in such a way that minimises adverse effects on other highway and public realm users, and other residential or commercial activity.

The change to restaurant use (Class E) could alter the servicing needed. Given the sites location it is felt that any change in servicing and deliveries may impact on the operation of the highway network. The Highways Planning Manager recommends a condition requiring Servicing Management Plan to demonstrate how the proposed development would minimise adverse effects on the highway network.

Policy 37(B) (*Waste Management*) states all new developments (including extensions and change of use) must provide appropriate facilities for the storage of separate waste

streams which are safe and convenient to access for deposit and collection, with sufficient capacity for current and projected future use.

The Waste Projects Officer objects on grounds the waste details are insufficient. A condition is recommended requiring details (revised drawing) to show the area for waste storage, bin capacity, and bins for recycling, food waste, and general waste.

Cycling & Cycle Storage

Cycle parking will help encourage workers away from less sustainable transport modes. A development of this size requires a minimum of two long-stay cycle spaces for employees. A condition is recommended requiring details of cycle parking, which should be secure, accessible, weatherproof and within the development site.

9.7 Economy including Employment & Skills

Whilst the development is of insufficient scale to require an employment and skills plan, it will contribute positively to the local economy through the generation of increased opportunities for local employment, procurement, and spending.

9.8 Other Considerations

None.

9.9 Environmental Impact Assessment

The proposed development is not of sufficient scale or impact to require an Environmental Impact Assessment.

9.10 Planning Obligations & Pre-Commencement Conditions

Planning obligations are not relevant in the determination of this application.

10. Conclusion

The restaurant is located within a predominately commercial part of the CAZ, typical of the WERLSPA. However, residential units can be found to the rear on the upper floors of buildings on Floral Street, Long Acre, and Banbury Court. In this case, with appropriate conditions to control its operations, it is considered that the restaurant could operate without causing notable harm.

This planning application also provides an opportunity through the recommended conditions to gain greater control over the use of the unit, which would not otherwise have been possible if the existing building without an extension is converted into a restaurant. In these circumstances, the proposed change of use to a restaurant is

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considered acceptable.

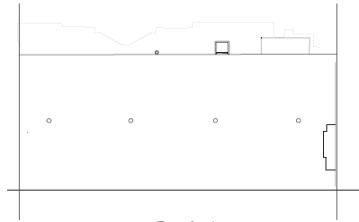
As set out in this report and following amendments to the proposal (including removal of a second floor outdoor terrace dining area), the proposed development accords with the relevant policies in the Westminster’s City Plan 2019 – 2040 (the City Plan). The application is therefore considered acceptable in land use, design, heritage, and amenity terms, and is recommended for approval subject to the conditions set out in the draft decision letter.

(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council’s website)

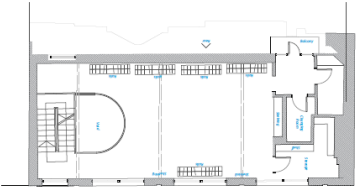
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MATTHEW MASON BY EMAIL AT mmason@westminster.gov.uk

11. KEY DRAWINGS

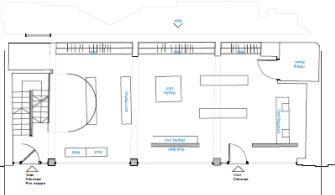
Existing plans & elevations



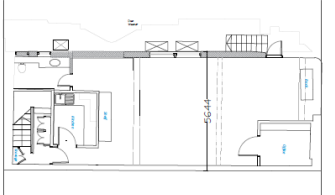
Roof plan



First floor plan



Ground floor plan

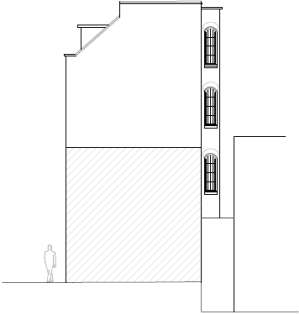


Basement plan

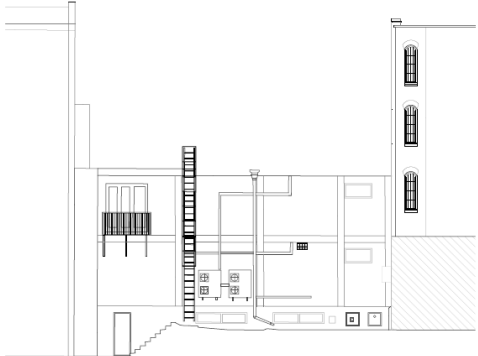


Front Elevation - 12 Langley Court

Front Elevation



Side Elevation



Rear Elevation - 12 Langley Court

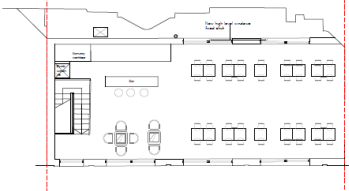
Rear Elevation

PLANS & ELEVATIONS - AS EXISTING

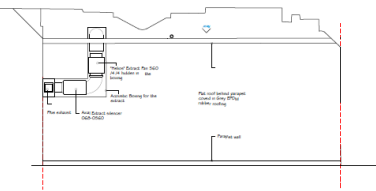
Revised elevation added and edgework updated 22/04/20

SPENCER				
ARCHITECTS				
<small>100 ROYAL LANE, SYDNEY NSW 2008</small>				
<small>TEL: (02) 9232 4000</small>				
<small>WWW.SPENCERARCHITECTS.COM</small>				
PROJECT				
9-11 Langley Court, Covent Garden				
CLIENT				
Adelaide Estates Limited				
DRAWN BY				
Plans & Elevations - As Existing				
DATE	SCALE	DATE	SCALE	DATE
01/22	DF	11/00@41	500	002

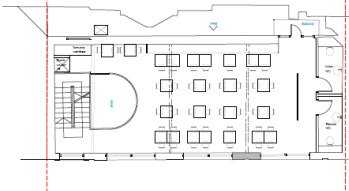
Proposed plans & elevations



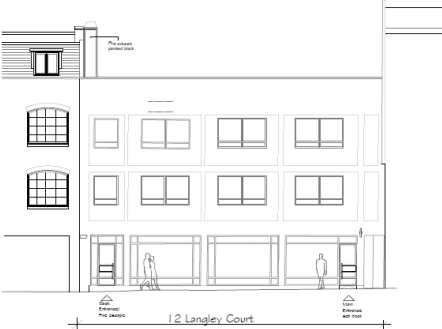
Second floor plan



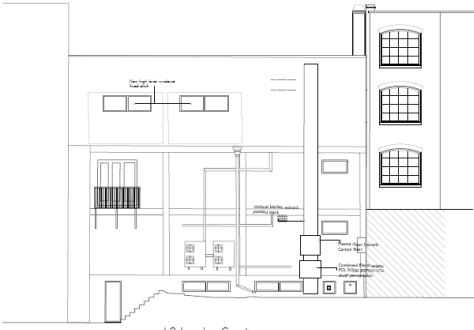
Roof plan



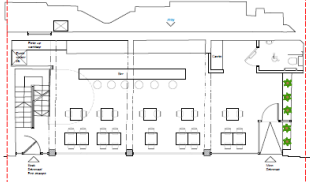
First floor plan



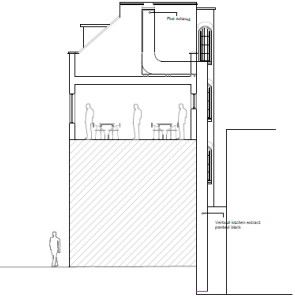
Front Elevation



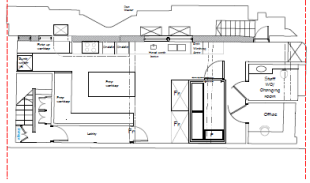
Rear Elevation



Ground floor plan



Side Elevation



Basement floor plan

Rev-D: Roof service replaced by full stone, 22-02-13
 Rev-C: Side elevation added and adjusted, 22-04-20
 Rev-B: Internal layout changes 22-03-30
 Rev-A: Initial sketch work adjusted 22-03-09

SPENCER	
ARCHITECTS	
<small>100 Abchurch Lane, London EC4N 3DF, UK Tel: +44 (0)20 7424 4000 Fax: +44 (0)20 7424 4001</small>	
9-11 Langley Court, Covent Garden, London Adelaide Estates Limited	
Plans & Elevations - As Proposed	
<small>DATE</small> 07/22	<small>SCALE</small> 1/100@A1

PLANS & ELEVATIONS - AS PROPOSED

DRAFT DECISION LETTER

Address: 9-11 Langley Court, London, WC2E 9JY

Proposal: Erection of additional second floor level extension, installation of kitchen extract duct from basement to roof level, and associated works in connection with use of the building as a restaurant (Class E).

Reference: 22/02426/FULL

Plan Nos: Location Plan;
001 Rev A - Block Plan
002 Rev A - Existing plans & elevations;
101 Rev D - Proposed plans & elevations.

For information:

Design & Access Statement Incorporating Sustainable Design Statement & Heritage Statement, prepared by Spencer Architecture, Revision A dated April 2022;
Planning Compliance Report, prepared by Clarke Saunders Acoustics dated 18 March 2022;
Odour Control Assessment, prepared by Spencer Architecture;
Flood Risk Assessment, prepared by Spencer Architecture.

Case Officer: David Dorward

Direct Tel. No. 07866038730

Recommended Condition(s) and Reason(s)

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

Reason:

For the avoidance of doubt and in the interests of proper planning.

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:
 - o between 08.00 and 18.00 Monday to Friday;
 - o between 08.00 and 13.00 on Saturday; and
 - o not at all on Sundays, bank holidays and public holidays.

You must carry out piling, excavation and demolition work only:

- o between 08.00 and 18.00 Monday to Friday; and
- o not at all on Saturdays, Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

- 3 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Covent Garden Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 4 Notwithstanding the provision within Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended September 2020) (or any equivalent class in any order that may replace it, the development hereby approved at ground, first and second floor must be used for restaurant or non-food retail purposes only.

Reason:

To ensure that the development is carried out in accordance with the use sought and assessed, to ensure that the parts of the building are not used for other uses within Class E that may have different or unacceptable waste storage, servicing, amenity or transportation requirements and / or impacts in accordance with Policies 16, 18, 24, 25, 26, 27, 28, 29, 32, 33 and 37 of the City Plan 2019 - 2040 (April 2021).

- 5 You must apply to us for approval of an operational management plan (OMP) for the restaurant premise to show how you will prevent customers from causing nuisance for people in the area, including people who live in nearby buildings. You must not occupy the restaurant until the Council have approved the submitted OMP. The restaurant use hereby permitted must be operated in accordance with the approved OMP.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R05GC)

- 6 No live or recorded music shall be played in the Class E use that is audible externally or in the adjacent properties.

Reason:

To protect the environment of people in neighbouring properties as set out in Policies

7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R12AD)

- 7 Customers shall not be permitted within the restaurant premises before 0800 hours or after midnight each day. (C12AD)

Reason:

To protect the environment of people in neighbouring properties as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R12AD)

- 8 The new high level second floor windows in the rear elevation must be fixed permanently shut.

Reason:

To protect the environment of people in neighbouring properties as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R12AD)

- 9 The rear first floor door must be fixed shut and the rear balcony must not be used during restaurant operating hours. You can however use the door and balcony to escape in an emergency.

Reason:

To protect the environment of people in neighbouring properties as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R12AD)

- 10 You must not use the roof of the extension for sitting out or for any other purpose. You can however use the roof to escape in an emergency. (C21BA)

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in Policies 7, 33 and 38 of the City Plan 2019 - 2040 (April 2021). (R21BD)

- 11 You must hang all doors or gates so that they do not open over or across the road or pavement. (C24AA)

Reason:

In the interests of public safety and to avoid blocking the road as set out in Policies 24 and 25 of the City Plan 2019 - 2040 (April 2021). (R24AD)

- 12 You must apply to us for approval of details of a Servicing Management Plan. You must not occupy the development until we have approved what you have sent us. Thereafter you must service the restaurant in accordance with the approved plan, unless otherwise agreed in writing by the City Council as local planning authority.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in

neighbouring properties as set out in Policy 29 of the City Plan 2019 - 2040 (April 2021). (R23AD)

- 13 You must apply to us for approval of details of secure cycle storage for the restaurant use. You must not start any work on this part of the development until we have approved in writing what you have sent us. You must then provide the cycle storage in line with the approved details prior to occupation and make it available at all times to everyone using the restaurant. You must not use the cycle storage for any other purpose. (C22HA)

Reason:

To provide cycle parking spaces for people using the development in accordance with Policy 25 of the City Plan 2019 - 2040 (April 2021). (R22FB)

- 14 You must not operate a delivery service, even as an ancillary part of the primary restaurant use.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R05GC)

- 15 You must apply to us for approval of details of how waste is to be stored on site and how materials for recycling will be stored separately. You must not occupy the restaurant use hereby approved until we have approved what you have sent us. You must then provide the waste and recycling storage prior to occupation of the development and thereafter permanently retain the stores according to these details. You must clearly mark them and make them available at all times to everyone using the restaurant. You must not use the waste and recycling store for any other purpose. (C14GB)

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in Policies 7 and 37 of the City Plan 2019 - 2040 (April 2021). (R14CD)

- 16 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved in writing by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.
- (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery

(including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved in writing by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for written approval by the City Council. Your submission of a noise report must include:

- (a) A schedule of all plant and equipment that formed part of this application;
 - (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
 - (c) Manufacturer specifications of sound emissions in octave or third octave detail;
 - (d) The location of most affected noise sensitive receptor location and the most affected window of it;
 - (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
 - (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
 - (g) The lowest existing LA90, 15 mins measurement recorded under (f) above;
 - (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
 - (i) The proposed maximum noise level to be emitted by the plant and equipment.
- (C46AC)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R46AC)

- 17 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.2m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property. (C48AB)

Reason:

To ensure that the development is designed to prevent structural transmission of noise or vibration and to prevent adverse effects as a result of vibration on the noise environment in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R48AB)

- 18 The plant/machinery hereby permitted shall not be operated except between 0700 hours and 2300 hours daily. (C46CA)

Reason:

To safeguard the amenity of occupiers of noise sensitive receptors and the area generally by ensuring that the plant/machinery hereby permitted is not operated at hours when external background noise levels are quietest thereby preventing noise and vibration nuisance as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) the Environmental Supplementary Planning Document (February 2022). (R46CC)

- 19 If you provide a bar and bar seating, it must not take up more than 15% of the floor area of the property, or more than 15% of each unit if you let the restaurant as more than one unit. You must use the bar to serve restaurant customers only, before, during or after their meals.

Reason:

We cannot grant planning permission for unrestricted restaurant/ café use because it would not meet Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R05CD)

- 20 You must provide the internal lobby to the ground floor main entrance as shown on drawing 101 Rev D prior to occupation of a restaurant use. You must then maintain the ground floor internal lobby when the building is in use as a restaurant.

Reason:

To protect the environment of people in neighbouring properties as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R12AD)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the City Plan 2019 - 2040

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(April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

- 2 You must register your food business with the Council, please use the following link: www.westminster.gov.uk/registration-food-business. Please email the Environmental Health Consultation Team (Regulatory Support Team 2) at ehconsultationteam@westminster.gov.uk for advice on meeting our standards on ventilation and other equipment. Under environmental health legislation we may ask you to carry out other work if your business causes noise, smells or other types of nuisance.

- 3 When carrying out building work you must take appropriate steps to reduce noise and prevent nuisance from dust. The planning permission for the development may include specific conditions relating to noise control, hours of work and consideration to minimising noise and vibration from construction should be given at planning application stage. You may wish to contact to our Environmental Sciences Team (email: environmentalsciences2@westminster.gov.uk) to make sure that you meet all the requirements before you draw up contracts for demolition and building work.
When a contractor is appointed they may also wish to make contact with the Environmental Sciences Team before starting work. The contractor can formally apply for consent for prior approval under Section 61, Control of Pollution Act 1974. Prior permission must be sought for all noisy demolition and construction activities outside of core hours on all sites. If no prior permission is sought where it is required the authority may serve a notice on the site/works setting conditions of permitted work (Section 60, Control of Pollution Act 1974).
British Standard 5228:2014 'Code of practice for noise and vibration control on construction and open sites' has been recognised by Statutory Order as the accepted guidance for noise control during construction work.
An action in statutory nuisance can be brought by a member of the public even if the works are being carried out in accordance with a prior approval or a notice.

Please note: the full text for informatives can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.

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Agenda Item 4

Item No.

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CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 29 November 2022	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved West End	
Subject of Report	18 Greek Street, London, W1D 4DS,		
Proposal	Variation of Conditions 1, 2 and 6 of planning permission dated 27 May 2021 (RN: 20/06174/FULL) for the: Use of the rear terrace areas at first and second floor level in association with the existing restaurant/bar use at 18 Greek Street and installation of new balustrades, artificial green wall areas, extended second floor terrace balcony and staircase and between the terraces NAMELY, to allow the use of the terraces at rear first and second floor levels for a further one year period; to provide living green walls and to vary Condition 6 to prevent vertical drinking but to allow customers to walk to or from tables at upper 2nd floor terrace level. (S73 Application)		
Agent	Monmouth Planning Ltd		
On behalf of	Soho Bars and Clubs Ltd		
Registered Number	21/07849/FULL	Date amended/ completed	16 November 2021
Date Application Received	16 November 2021		
Historic Building Grade	Unlisted		
Conservation Area	Soho		
Neighbourhood Plan	Soho Neighbourhood Plan		

1. RECOMMENDATION

Grant conditional planning permission including a condition to limit the use of the terraces for a temporary 1-year period.

2. SUMMARY & KEY CONSIDERATIONS

18 Greek Street is an unlisted building located within the Soho Conservation Area, the Central Activities Zone. The basement, ground and first floors of the property are occupied by a bar / restaurant called Zebrano and the upper floors are in use as offices. There are terrace areas at rear first and second floor levels. Planning permission was previously granted for the use of these terrace areas in association with the existing restaurant / bar use for a temporary period of six months. Permission is now sought to vary two of the conditions attached to that planning permission to allow the terraces to be used for a further period of one year and to amend the wording of a condition in

relation to the movement of patrons on the terrace. The drawings have also been amended to show the provision of living green walls on sections of the terrace where previously these were artificial walls and the lighting scheme has been amended.

The key issue is:

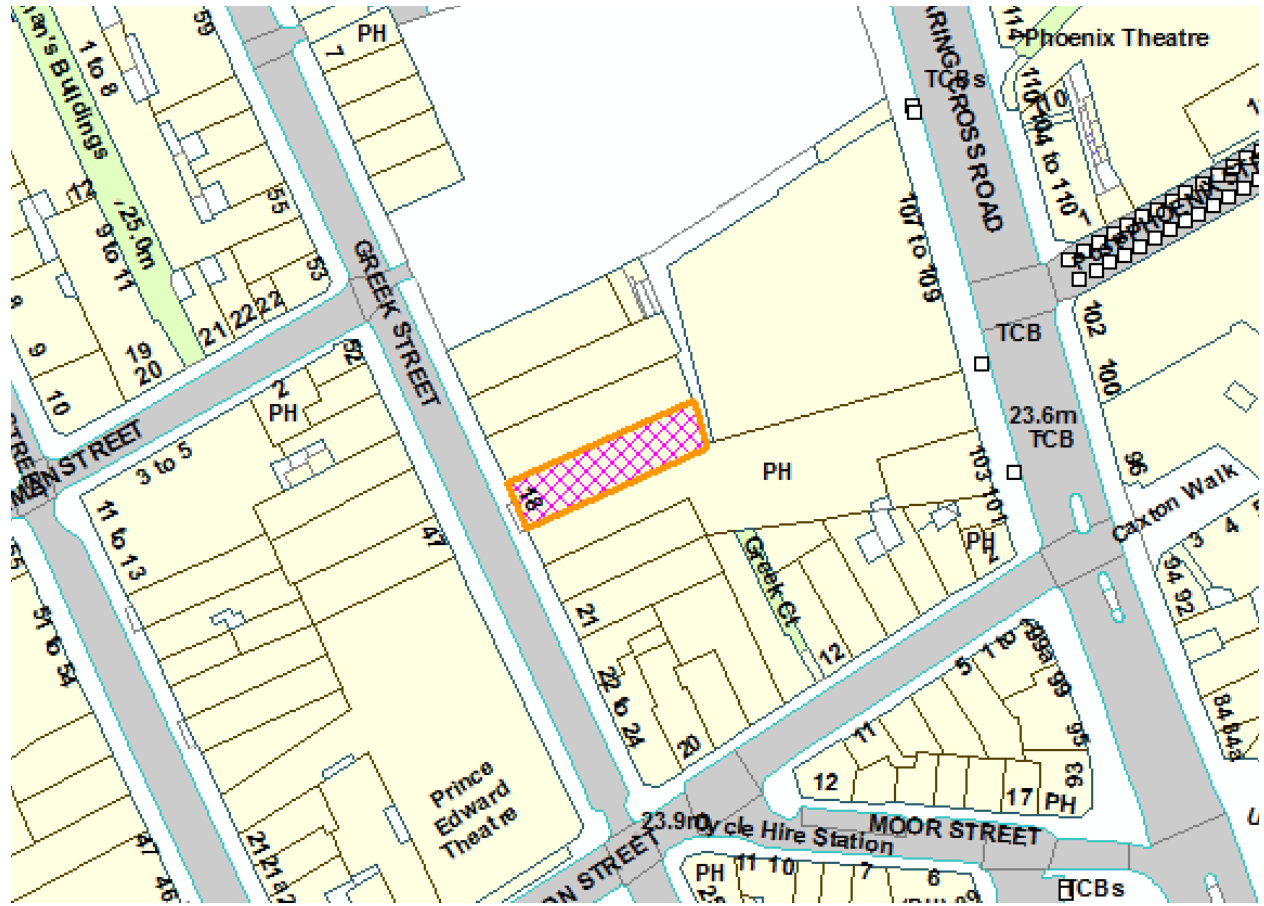
- The impact on residential amenity in terms of potential noise nuisance arising from use of the terraces in connection with the bar/restaurant.

Objections have been received from six local residents on the grounds of noise disturbance from the use of the terraces impacting residential amenity and that the terraces have not been operating in accordance with the Management Plan.

Subject to appropriate conditions including limiting the capacity and hours of use of the terraces and requiring the use of the terraces to operate in accordance with a Terrace Management Plan, the proposal is considered acceptable for a temporary period of 1 year.

With these conditions, the application is considered to comply with relevant adopted City Plan 2019-2040 policies and is therefore recommended for conditional approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS

View of the front of the building:



View of the terraces from the upper floors of 18 Greek Street:



View of the second floor terrace:



5. CONSULTATIONS

5.1 Application Consultations

SOHO SOCIETY

Any response to be reported verbally.

ENVIRONMENTAL HEALTH

No objection subject to conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 67

Total No. of replies: 9

No. of objections: 9 (from 6 respondents)

No. in support: 0

Objections on the following grounds:

* Adverse impact on the amenity of neighbouring residential properties due to noise disturbance from the use of the terraces; terrace use has not been operating in accordance with the Management Plan and the use has continued beyond the approved terminal hour. Permission should not be renewed as the Management Plan cannot address noise issue.

* Terraces surrounded by high boundary wall which causes noise to reverberate

* Use of terraces is undermining tenancies taken on adjacent buildings on the basis that there is no/minimal noise

* Increased fire risk and limited access from emergency services; access for emergency services.

* Applicants have undertaken unauthorised works

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

5.2 Applicant's Pre-Application Community Engagement

The Early Community Engagement Guidance encourages developers carrying out development to engage with those living adjacent or very close to the site at an early stage prior to the submission of a formal application. However, given the nature of the development, the application is not required to submit details of the engagement they have undertaken with their application. The agent has confirmed there has been no discussion between the applicant and neighbours in relation to the current application.

6. WESTMINSTER'S DEVELOPMENT PLAN

6.1 City Plan 2019-2040 & London Plan

The City Plan 2019-2040 was adopted at Full Council on 21 April 2021. The policies in the City Plan 2019-2040 are consistent with national policy as set out in the National Planning Policy Framework (NPPF) (July 2021) and should be afforded full weight in

accordance with paragraph 219 of the NPPF. Therefore, in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan, which was adopted by the Mayor of London in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 6.2).

As set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 49 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

6.2 Neighbourhood Planning

The Soho Neighbourhood Plan includes policies on a range of matters including housing, residential amenity, air quality and climate change, traffic and servicing, green infrastructure, pedestrians and cycling and waste and recycling.

It has been through independent examination and was supported by local residents and businesses in a referendum held on 2 September 2021. It was adopted on 8 October 2021. It therefore forms part of the development plan for Westminster for development within the Soho neighbourhood area in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004. Where any matters relevant to the application subject of this report are directly affected by the policies contained within the neighbourhood plan, these are discussed later in this report.

6.3 National Policy & Guidance

The City Plan 2019-2040 policies referred to in the consideration of this application have been examined and have been found to be sound in accordance with tests set out in Paragraph 35 of the NPPF. They are considered to remain consistent with the policies in the NPPF (July 2021) unless stated otherwise.

7. BACKGROUND INFORMATION

7.1 The Application Site

18 Greek Street is located on the east side of Greek Street close to its junction with Old Compton Street. The building comprises basement, ground and three upper floors on the Greek Street frontage rising to 4 upper floors at the separate rear part of the site (with the terraces in between). The basement, ground and first floors run the full depth of the site. There is an open central area at second floor level where the subject terraces are located.

The basement, ground and first floor levels are occupied by a bar /restaurant called Zebrano. The upper floors of both the front and rear sections of the building are in office use. The area is mixed use in character with a large number of entertainment uses, but also number of residential flats within the vicinity.

The property is unlisted, located in the Soho Conservation Area and the Core Central Activities Zone. The property is also located within the West End Retail and Leisure Special Policy Area.

7.2 Recent Relevant History

Planning permission granted 27 May 2021 for the use of the rear terrace areas at first and second floor level in association with the existing restaurant/bar use at 18 Greek Street and installation of new balustrades, artificial green wall areas, extended second floor terrace balcony and staircase and between the terraces. (RN: 20/06174/FULL)

8. THE PROPOSAL

Permission is sought to vary three conditions on the original planning permission for the terrace.

Condition 1 required the following:

The use of the terraces at first and second floor levels can continue for 6 months from the date of this planning permission. After this time you must not use any part of the roof for sitting out or for any other purpose unless permission has been granted. You can however use the roof to escape in an emergency.

Consent is sought to vary this condition to allow the use for a further temporary period of one year.

Condition 6 required the following:

You must not allow more than 50 customers onto the rear terraces hereby approved at any one time. The upper 2nd floor terrace shall be used for seating purposes only with no customers standing.

The applicant is seeking to vary this condition so it reads as follows:

You must not allow more than 50 customers onto the rear terraces hereby approved at any one time. The upper second floor terrace shall be used for seating purposes only and shall not be used by customers for vertical drinking.

Condition 2 of the permission requires the development to be carried out in accordance with the drawing numbers. Varying this condition allows the drawings to be amended to show a more subtle lighting scheme and the replacement of the artificial green walls with living green walls.

9. DETAILED CONSIDERATIONS

9.1 Land Use

It was noted with the 2020 application that both terraces had been in place for a number of years and could have been lawful. The first floor terrace had been used in association with the bar / restaurant and the second floor terrace had been used in association with a separate office occupier on the upper floors of the building.

Conditions on the original planning permission included:

- no speakers could be installed and no music could be played externally;
- that the terraces can only be used between the hours of 10:00 and 22:00 daily;
- the doors providing access to the terraces had to be 'self-closing' and not held open;
- a maximum of 50 patrons could be allowed onto the terraces at any one time; and
- the operation had to be carried out in accordance with the 'Terrace Management Plan'.

These conditions are all proposed as before.

In addition to the applicant's request to extend the temporary period for the terraces they have also requested to amend the wording of Condition 6. This condition required:

You must not allow more than 50 customers onto the rear terraces hereby approved at any one time. The upper 2nd floor terrace shall be used for seating purposes only with no customers standing.

The applicant is seeking to vary this condition so it reads as follows:

You must not allow more than 50 customers onto the rear terraces hereby approved at any one time. The upper second floor terrace shall be used for seating purposes only and shall not be used by customers for vertical drinking.

The applicant sought to amend the wording as they considered the original wording would not have allowed patrons to walk to and from tables. The amended wording is considered acceptable and would have no impact on the requirements of the condition and no objections have been received specifically with regard to the proposed amended wording.

However, with regard the extension of the temporary use of the terraces in association with the bar / restaurant, objections have been received to the application from six local residential occupiers/building owners, concerned about noise impact from the use of the terraces and that the terraces have been used late into the evenings outside of the permitted hours.

A premises license for Zebrano Bar was granted in May 2022 which allowed the use of the terraces in association with the premises. Conditions were imposed on the premises license requiring security staff to monitor and supervise the terrace from 21:00 until closing on Thursday, Friday and Saturday nights. It also stated no regulated entertainment would be allowed on the terraces. A condition was also included on the license stating; '*No licensable activities shall be provided on the upper terrace after 00:00 hours and there shall be no customers on the upper terrace after 00:30 hours*'.

It is noted a separate licensing application has been submitted for the use of the upper floors of the building as a restaurant. These floors are currently in office use and planning permission would not be required for their use for restaurant purposes as both uses fall within Class E.

The City Council has adopted planning policies that seek to protect residential amenity. Policy 7 of the City Plan requires that development is neighbourly by 'protecting and where appropriate enhancing local environmental quality'. The supporting text (para 7.4) acknowledges that; 'development must prevent unacceptable environmental impacts on existing and new users of building or its neighbours.' Policy 16 considers food, drink and other entertainment premises and recognises that whilst these uses contribute to London's vibrant entertainment sector they can also have detrimental impacts upon residential amenity if the operation is not managed properly.

Policy 33 states that; 'development should prevent adverse effects of noise and vibration and improve the noise environment in compliance with the council's Noise Thresholds, with particular attention to: minimising noise impacts and preventing noise intrusion to residential developments and sensitive uses'.

The Soho Neighbourhood Plan was adopted the 8th October 2021, Policy 12 'Food and Drink Uses' states that: '*Proposals for new food uses (Class E), public houses, drinking establishments, take-aways and music venues (Sui Generis) uses which require planning permission and are contiguous to residential use must comply with the 'agent of change' principle and demonstrate that they will not have unacceptable amenity impacts (including in relation to noise, vibration and odours).*' The reasoning being that '*Proposals in close proximity to residential will need to take particular account of the potential for adverse impacts and ensure that suitable and effective mitigation is in place if they are to be supported. Some examples of potential adverse impacts are structure borne noise, noise from patrons and staff, collections and deliveries at unsocial hours, odours and obstruction of residential entrances and passageways. In bringing forward their proposals applicants must show how such adverse impacts will be avoided and mitigated.*'

An acoustic report has been submitted in support of the application; this is the same acoustic report that was submitted with the original application. This included a background noise survey which was carried out on the terraces for a two hour period between 21:00 and 23:00 at a time when the bar was closed due to Covid 19 regulations. As the bar was closed this enables an assessment of the lowest expected background noise levels. The report calculates noise levels to the nearest noise sensitive property at a distance of 20m from the lower terrace and 24m from the upper terrace.

The acoustic report estimates expected noise levels at residential properties from patrons talking on the terraces. It is acknowledged there are difficulties in accurately quantifying noise levels on terraces because noise will not be constant and there will always be a degree of unpredictability. However, as previously, on reviewing the acoustic report the Environmental Services Officer considers that the proposed use of the terraces until 22:00 daily is unlikely to give rise to unacceptable noise nuisance.

There have been a number of complaints made to the City Council's Noise Team since the original planning permission was granted. These have been investigated by Environmental Sciences, who have provided a list of the various investigations and complaints that they have received with regard the property and the use of the terraces (these are provided in full in the background papers to this report.)

A complaint was made to the noise team by a local resident in July 2021 stating the terrace was in use past the 22:00 terminal hour. Council officers visited the premises and were advised the terrace was not in use. On the 15th August 2021 a complaint was received in relation to loud noise at 20:42, Council Officers visited the premises at 22:00 when the terrace area was not in use. Officers reviewed CCTV footage for that day from 21:00, and also the CCTV footage for 14th August 2021, which showed that the terrace was not in use. On the same date, 15th August, a second call was received from the complainant at 22:06 in relation to noise disturbance from the use of the terraces. The complainant was advised that Council Officers were on the terrace and the terrace was not in use. The complainant suggested that customers has been escorted from the terrace before Council Officers arrived. Further visits were made to the premises on the 16th December 2021 and on the 9th, 22nd and 25th April 2022. On all visits the terrace was not in use at all.

The Environmental Services Officer has concluded that there is insufficient information to demonstrate the use of the terraces has not accorded with the Terrace Management Plan (submitted as part of the planning application) or the premises license and they consider there is insufficient evidence to show the use of the terraces causes a noise nuisance to neighbouring residential occupiers. Consequently, they have raised no objection to the current application.

A number of objections have been received on the grounds that the use of the terraces has resulted in unacceptable noise disturbance to neighbouring flats, which is exacerbated by the fact that the terraces are surrounded by high boundary walls, which causes the noise to echo/reverberate. Objectors state that the terraces have not been used in accordance with the Management Plan as the use has continued beyond the approved terminal hour. Given the reported impact on neighbours' amenity objectors consider that the temporary permission should not be renewed and that the management Plan cannot, in reality, address the issue of noise disturbance arising from the use of the space. One objector considers that a 'noise wall' should be installed. While it is unclear precisely what is being suggested, the terraces are already quite enclosed by high walls. Additional sound attenuation does not form part of the proposals and is not considered necessary to make the development acceptable for the reasons detailed above.

A Terrace Management Plan (TMP) has been submitted in support of the current application which includes the requirement for staff to monitor and supervise the terrace areas and control entry to these areas at all times. A condition is proposed to ensure the operation of the terraces are carried out in accordance with the TMP and to restrict the capacity to a maximum of 50 customers (20 on the upper terrace and 30 on the lower terrace) with the hours of use limited to between 10:00 and 22:00 daily. With these safeguarding conditions in place, it is considered that use of the terraces is unlikely to result in a loss of residential amenity. Whilst the applicant originally sought permission for the use of the terrace areas on a permanent basis, given the objections and previous complaints received, it is recommended permission for the use is limited to 1 year to enable the position to be reviewed. The applicants have indicated their willingness to agree to a temporary permission.

As previously, conditions are also recommended to prevent the installation of speakers on the terrace or the playing of any music externally, as well as a condition to ensure the

doors to the terrace are self-closing and are kept closed outside the hours of use to prevent noise escape from within the premises.

9.2 Environment & Sustainability

Biodiversity & Greening (including fire safety)

Currently there are artificial green wall areas surrounding the terraces. An informative was included on the May 2021 consent which stated the following:

You are advised that if consent is sought in future for the terraces to be in place longer the artificial green walls must be replaced with natural and 'living' green walls. This wall must be of living plants of a size and type suitable to the location, and you must also provide a management and maintenance plan for the wall. In addition a new external lighting system that is less conspicuous than the current installation would be required.

In accordance with this advice, the artificial green wall areas are to be replaced with living walls installed adjacent to the terraces at first and second floor levels, and the light fittings are to be replaced with a more suitable type.

Policy 32 (Green Infrastructure) Part B requires; 'developments will, wherever possible, contribute to the greening of Westminster by incorporating trees, green walls, green roofs, rain gardens and other green features and spaces into the design of the scheme.'

The introduction of the living green walls is welcomed in biodiversity terms and accords with the requirements of the above policy. The type and scale of the green walls are considered appropriate in terms of the scale of the development. Conditions are included to require the submission of details of the planting schedule and maintenance regime and to ensure the living walls are installed within a suitable timeframe and maintained in perpetuity.

One objector has commented that artificial grass has been installed on the terrace together with 'fire burners', which they consider to constitute a fire hazard. They are concerned that there is inadequate access for the emergency services. Although artificial grass has been installed on the terrace surfaces, this does not require planning permission. It is assumed that the 'grass' would have been tested to the relevant standards. The issue has been raised with the applicant who has advised that there are no 'fire burners' on the terraces. Given that permission is not required for these elements, it is not considered that these concerns could justifiably form the basis of a recommendation for refusal.

9.3 Townscape, Design & Heritage Impact

18 Greek Street is an unlisted building in the Soho Conservation Area to which it makes a positive contribution. It stands on the east side of the street and next to the grade II listed No. 17. The rear of the building is typical of many in Soho and features extensions of various periods and conspicuous mechanical plant. In this context, there is no objection in design or heritage asset terms to continued use of the flat roof areas for outdoor seating etc.

The current artificial green wall is to be replaced with a living wall and the existing light fittings are also to be replaced. This is acceptable in design, heritage asset, and sustainability terms, and accords with City Plan policies 34, 38, 39, and 40, and with the Soho Neighbourhood Plan. However, it is essential that the living wall is installed to ensure the development is acceptable in design, heritage asset, and sustainability terms, and this may be secured by condition.

9.4 Transportation, Accessibility & Servicing

Not applicable.

9.5 Economy including Employment & Skills

Whilst the development is of insufficient scale to require an employment and skills plan, it will contribute positively to the local economy through increased sales for the premises through the use of the terraces.

9.6 Other Considerations

Unauthorised works

One objection has been received on the grounds that the applicants have carried out unauthorised works, building a 'doorway to the balcony' which is now covered with artificial grass. A site visit was undertaken to the property on the 21st September 2022. A door had been installed onto the second floor terrace from the main building. The applicant has now reinstalled the artificial green wall back in front of this door and secured it. Planning permission would be required for this installation of a door in this location and the applicant has been advised of this. Further, the door is to be blocked by the proposed living green wall and a condition requires this living wall to be installed within 4 months.

9.7 Environmental Impact Assessment

The proposed development is not of sufficient scale or impact to require an Environmental Impact Assessment.

9.8 Planning Obligations & Pre-Commencement Conditions

Planning obligations are not relevant in the determination of this application.

10. Conclusion

Given the distance to the residential windows, the controls on the number of people on the terraces and the restrictions on the hours the terraces can be used their continued use is deemed acceptable in amenity terms with relevant safeguarding conditions and the implementation of the Terrace Management Plan. Taking into account the objections and the complaints to the noise team (about which there are a number of discrepancies) it is only considered suitable to grant the use of the terraces for a further one-year period.

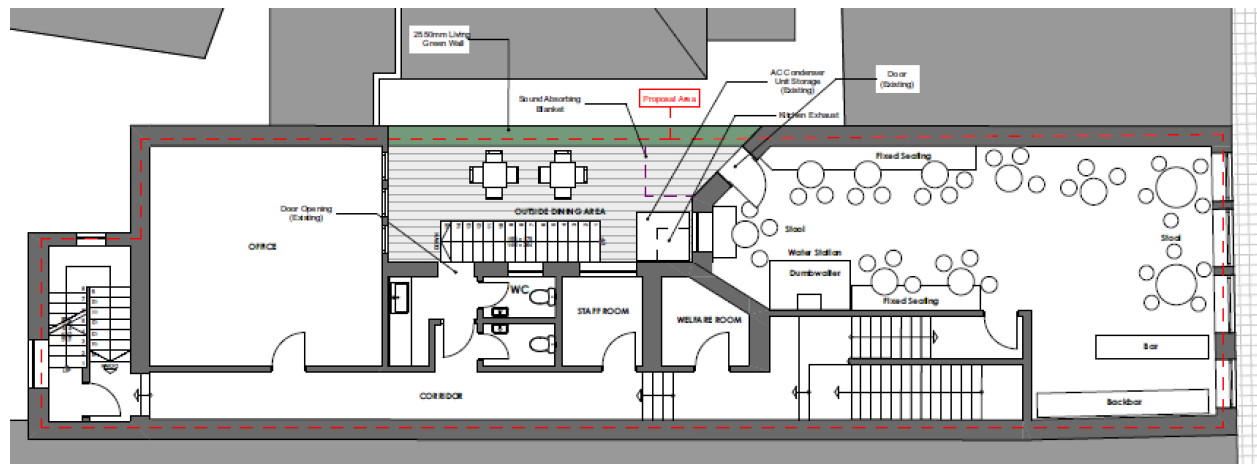
The proposal is considered acceptable, mindful of policies 7,16 and 33 of the City Plan 2019-2040 and therefore, a recommendation to grant conditional permission for a temporary period of one year would be compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

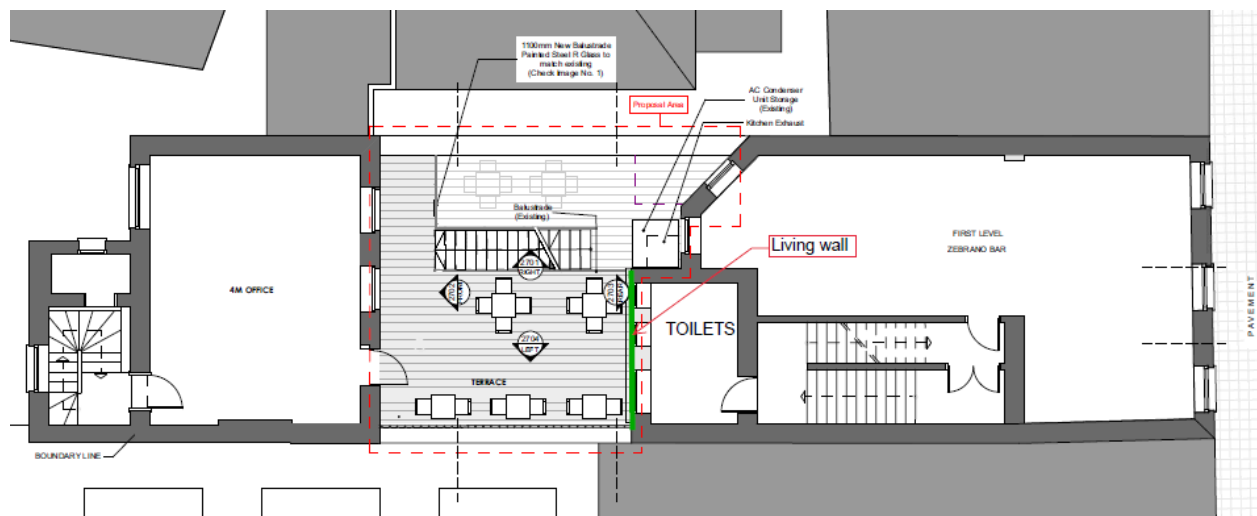
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: JO PALMER AT JPALME@WESTMINSTER.GOV.UK

11. KEY DRAWINGS

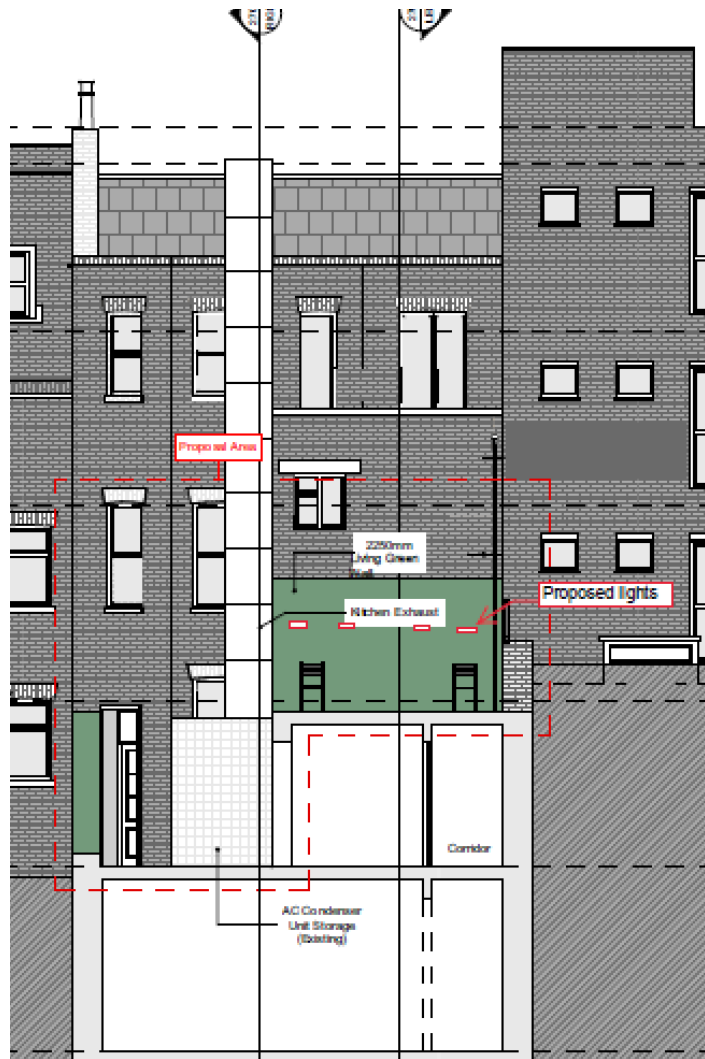
Proposed First Floor Level:



Proposed Second Floor Level:



Proposed Rear Elevation:



DRAFT DECISION LETTER

Address: 18 Greek Street, London, W1D 4DS,

Proposal: Variation of Conditions 1, 2 and 6 of planning permission dated 27 May 2021 (RN: 20/06174/FULL) for the: Use of the rear terrace areas at first and second floor level in association with the existing restaurant/bar use at 18 Greek Street and installation of new balustrades, artificial green wall areas, extended second floor terrace balcony and staircase and between the terraces NAMELY, to allow the use of the terraces at rear first and second floor levels for a further one year period; to provide living green walls and to vary Condition 6 to prevent vertical drinking but to allow customers to walk to or from tables at upper 2nd floor terrace level. (S73 Application)

Reference: 21/07849/FULL

Plan Nos: Terrace Management Plan (DZ/SOH.16.1/Rev 1), Drawings: 2001 RevA, 2002 RevA, 2701 RevA, 2702 RevA, 2703 RevA, 2704 RevA.

Case Officer: Matthew Giles

Direct Tel. No. 020 7641
07866040155

Recommended Condition(s) and Reason(s)

- 1 The use of the terraces at first and second floor levels can continue for one year from the date of this planning permission. After this time you must not use any part of the roof for sitting out or for any other purpose unless permission has been granted. You can however use the roof to escape in an emergency.

Reason:

We need to monitor and assess the effect of the use of these areas as terraces to make sure it meets Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Noise Technical Guidance Note (September 2020), we can therefore only grant a temporary permission.

- 2 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

Reason:

For the avoidance of doubt and in the interests of proper planning.

- 3 You must not install any speakers or play any music externally on the rear terraces

hereby approved.

Reason:

To protect neighbouring residents from noise nuisance, as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021). (R13FC)

- 4 The terrace areas hereby approved at rear first and second floor levels can only be used between the hours of 10:00 and 22:00 daily and when the terraces are not in use the doors to the terraces must be closed. You cannot use the terrace areas outside of these hours other than in the case of an emergency.

Reason:

To protect neighbouring residents from noise nuisance, as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021). (R13FC)

- 5 The self-closing doors which allow access onto the terrace shall remain in situ at all times the flat roof areas are used as terraces. You must not leave these doors open except in an emergency or to carry out maintenance

Reason:

To protect neighbouring residents from noise nuisance, as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021). (R13FC)

- 6 You must not allow more than 50 customers onto the rear terraces hereby approved at any one time. The upper second floor terrace shall be used for seating purposes only and shall not be used by customers for vertical drinking.

Reason:

To protect neighbouring residents from noise nuisance, as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021). (R13FC)

- 7 The operation of the terraces hereby approved must at all times be in accordance with the stipulations of the Terrace Management Plan (September 2022).

Reason:

To protect neighbouring residents from noise nuisance, as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R13ED)

- 8 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Soho Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 9 You must apply to us for approval of a planting schedule and maintenance regime for the living wall. You must not start any work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the planting schedule and maintenance regime.

Reason:

To increase the biodiversity of the environment, as set out Policy 34 of the City Plan 2019 - 2040 (April 2021). (R43FC)

- 10 You must complete the installation of the living wall within four months of the date of this decision.

Reason:

To increase the biodiversity of the environment, as set out Policy 34 of the City Plan 2019 - 2040 (April 2021). (R43FC)

- 11 Notwithstanding any reference to 'artificial' green walls, the walls to be installed adjacent to the terraces are to be living green walls as shown on the approved drawings.

Reason:

To increase the biodiversity of the environment, as set out Policy 34 of the City Plan 2019 - 2040 (April 2021). (R43FC)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

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Please note: the full text for informatives can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.

Agenda Item 5

Item No.

5

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 29 November 2022	Classification For General Release	
Report of Director of Town Planning & Building Control		Ward(s) involved Abbey Road	
Subject of Report	6A Langford Place, London, NW8 0LL		
Proposal	Demolition of the existing 3-storey dwelling house, erection of a replacement dwelling house with hipped roof over four storeys (plus basement), with front and rear lightwells, alterations to front boundary including installation of vehicular and pedestrian gates, new hard and soft landscaping and all associated works including air source heat pumps.		
Agent	Mr J Daniels		
On behalf of	Mr K Go		
Registered Number	22/01054/FULL	Date amended/ completed	18 February 2022
Date Application Received	18 February 2022		
Historic Building Grade	Unlisted		
Conservation Area	St John's Wood		
Neighbourhood Plan	Not applicable		

1. RECOMMENDATION

Grant conditional permission

2. SUMMARY & KEY CONSIDERATIONS

The application proposes the demolition of the existing 3-storey dwelling house and the erection of a replacement four storey (plus basement), dwelling house with a mansard hipped roof, front and rear lightwells, alterations to front boundary including installation of vehicular and pedestrian gates, new hard and soft landscaping, plus air source heat pumps.

Objections have been received from 4 residents and the St John's Wood Society on the grounds of design, including the impact on the St John's Wood Conservation Area and the adjacent listed buildings, the bulk, height and detailed design of the replacement building and amendments to the

front boundary, the impact on amenity including loss of sunlight/daylight to neighbouring buildings and overlooking, noise and the impact of the basement on trees.

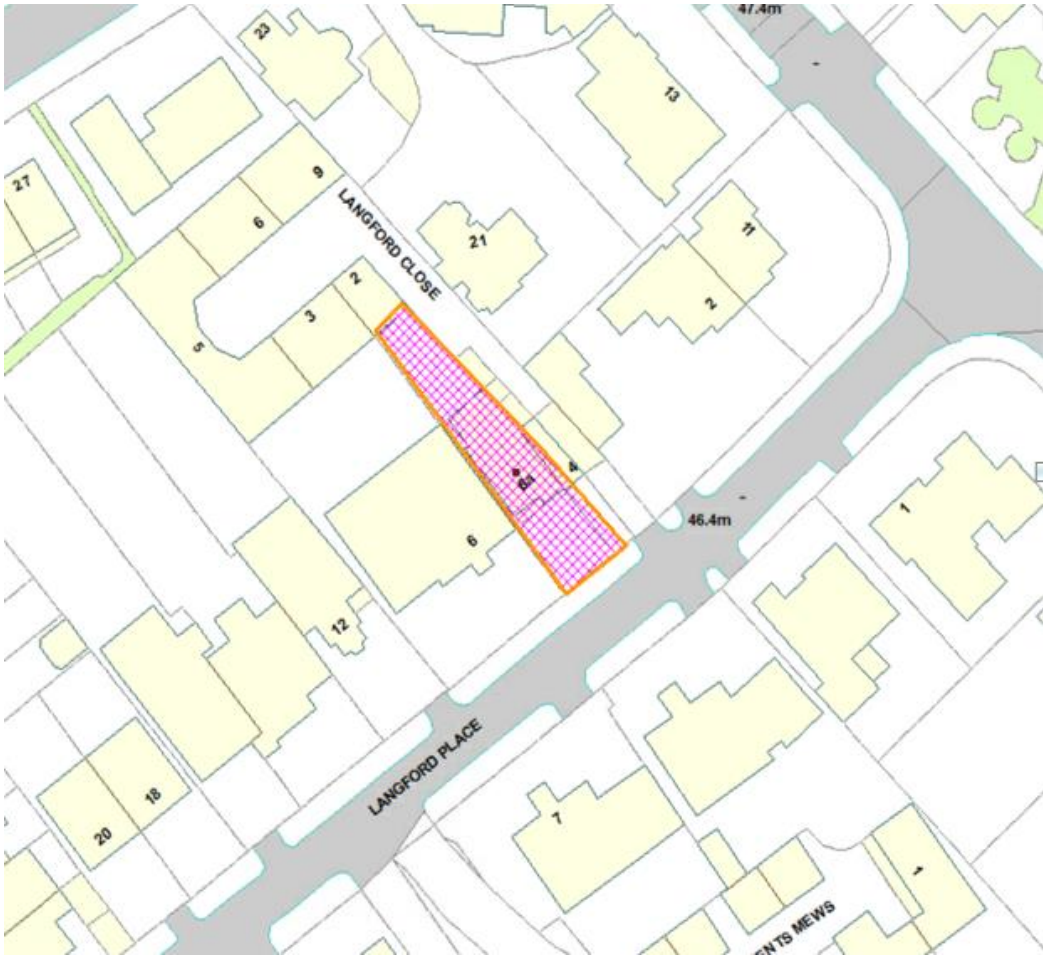
The key considerations in this case are:

- The acceptability of the demolition of the existing building and the sustainability of the replacement
- The acceptability of the proposed building in design terms.
- The impact of the proposals on the character and appearance of the St John's Wood Conservation Area and the setting of other nearby designated heritage assets, such as the grade II listed buildings close to the site.
- The impact on the amenity of neighbouring residential properties.

It is considered that the demolition of the existing building is acceptable in this instance given the sustainability qualities of the new house. The proposals are considered to enhance the character and appearance of the St Johns Wood Conservation Area and would not be harmful to the amenities of neighbours. The application is being recommended for conditional approval as set out on the draft decision letter at the end of this report.

The application was due to be reported to Planning Applications Sub Committee on the 1 November 2022. It was withdrawn from the agenda by officers due to an error notifying the objectors of the committee date.

3. LOCATION PLAN



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4. PHOTOGRAPHS

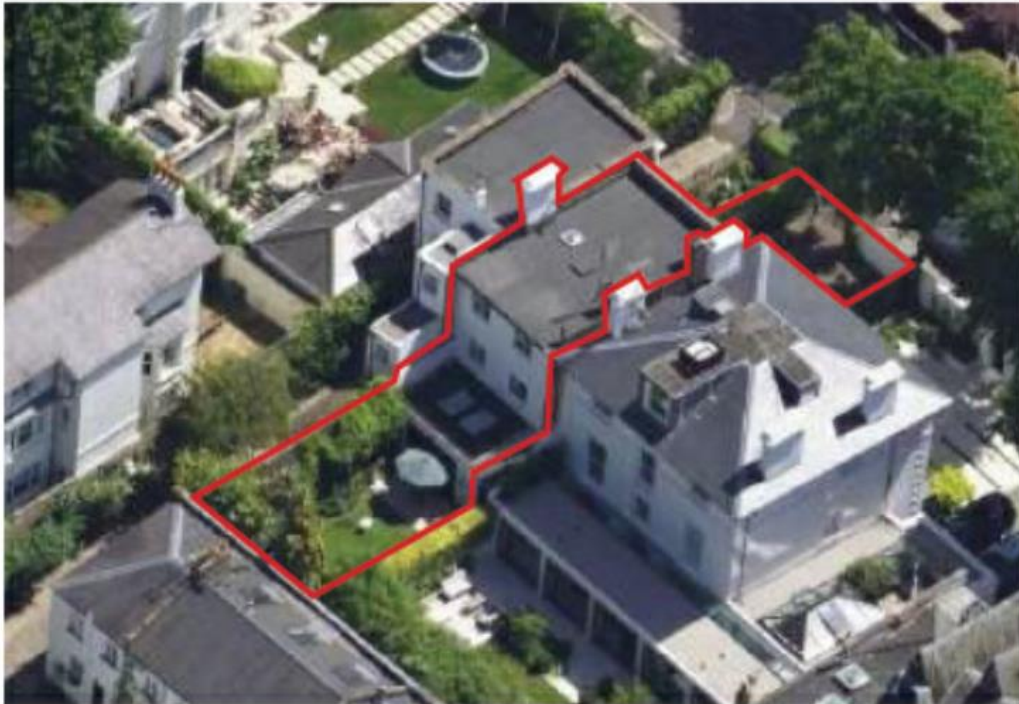
Front Elevation



Rear Elevation (taken from applicants submission)



Aerial Images (taken from applicants submission)



5. CONSULTATIONS

5.1 Application Consultations

WARD COUNCILLORS:

Any response to be reported verbally

ST JOHN'S WOOD SOCIETY:

Objection to the overdevelopment of site and negative impact on conservation area. Object to roof which dominates building and has an uncomfortable relationship with adjoining buildings. The proposals have a negative impact on setting of adjacent listed building. The detailed fenestration has poor solid to void relationship. Requests are made for the arboricultural manager to ensure that no trees amenity value is damaged or lost and that a case officer visits property to assess amenity impact.

HISTORIC ENGLAND:

Do not consider necessary to be notified to Historic England

ENVIRONMENTAL SCIENCES:

No objection subject to conditions.

HIGHWAYS PLANNING MANAGER:

Acceptable with conditions

WASTE PROJECT OFFICER:

No objection subject to condition securing waste storage provision according to revised plans.

BUILDING CONTROL:

No objection.

ARBORICULTURAL OFFICER:

No objection subject to tree protection conditions

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED:

No. Consulted: 29

Total No. of replies: 4

No. of objections: 4

No. in support: 0

Four objections received on some or all of the following grounds:

Design

- Appearance of the scheme;
- Excessive height of the scheme - out of keeping with neighbouring properties roofline;
- Excessive bulk for site;
- Proposed treatment of front boundary would be detrimental to the character of the conservation area;

- Potential damage to wall of mews to rear;
- Block view of terraces of 5 and 6 Langford Close.

Amenity

- Loss of sunlight/daylight to mews and Langford Close and Langford Place;
- Noise and overlooking to mews from introduction of balcony at first floor level.

Trees

- Impact of basement on existing trees and future planting.

Other

- Concerns regarding structural safety of wall on eastern side of 6A's garden;
- Concerns regarding impact of demolition and basement construction on structure of neighbouring buildings;
- Noise and disturbance of construction works on people working from home.

PRESS NOTICE/ SITE NOTICE:

Yes

5.2 Applicant's Pre-Application Community Engagement

Formal pre-application engagement is not required for a development of this scale although it is encouraged by the City Council for all development. No community engagement was carried out with regards to this proposal however the applicant did engage with officers through its pre-application advice service.

6. WESTMINSTER'S DEVELOPMENT PLAN

6.1 City Plan 2019-2040 & London Plan

The City Plan 2019-2040 was adopted at Full Council on 21 April 2021. The policies in the City Plan 2019-2040 are consistent with national policy as set out in the National Planning Policy Framework (NPPF) (July 2021) and should be afforded full weight in accordance with paragraph 219 of the NPPF. Therefore, in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan, which was adopted by the Mayor of London in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 6.2).

As set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 49 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

6.2 Neighbourhood Planning

The application site is not located within an area covered by a Neighbourhood Plan.

6.3 National Policy & Guidance

The City Plan 2019-2040 policies referred to in the consideration of this application have

been examined and have been found to be sound in accordance with tests set out in Paragraph 35 of the NPPF. They are considered to remain consistent with the policies in the NPPF (July 2021) unless stated otherwise.

7. BACKGROUND INFORMATION

7.1 The Application Site

6A Langford Place is a three storey, semi-detached property which is not listed and is located within the St John's Wood Conservation Area. The property is in use a single family dwelling and benefits from large front and rear gardens.

It should also be noted that the front garden includes a Lime Tree which is protected by a Tree Protection Order (TPO) and that the nearby building at 12 Langford Place is Grade II listed.

7.2 Recent Relevant History

17/04128/FULL

Demolition of an existing conservatory and shed structure and erection of ground floor rear extension.

Application Permitted 3 July 2017

17/01905/CLOPUD

Erection of ground floor rear extension.

Application Permitted 2 May 2017

8. THE PROPOSAL

The application proposes the demolition of the existing 3-storey dwelling house and the erection of a replacement four storey (plus basement), dwelling house with a mansard hipped roof, front and rear lightwells, alterations to front boundary including installation of new vehicular and pedestrian gates, new hard and soft landscaping, air source heat pumps. The new building would be larger than the existing building with 315sqm of floorspace compared with the existing 196sqm. The new building would approximately match the front and rear building line of the neighbouring buildings. With the exception of small projections beyond the building line at the front and rear which accommodate lightwells and walk on rooflights, the basement would largely be within the new ground floor footprint of the new building. The replacement building is of modern, traditionally inspired design with painted stucco and render walls.

Detailed design amendments were made to the application during the course of consideration including alterations to the front boundary involving a more traditional visually permeable vehicular gate and removal of bin storage access gate and the addition of a sill to the base of the ground floor windows.

9. DETAILED CONSIDERATIONS

9.1 Land Use

The existing building is 196sqm and the proposed replacement building would be 315sqm. Although this is in excess of the 200sqm floorspace limit for new houses in Policy 8 of the City Plan the supporting text of that policy states that the limit will not apply to the replacement of a single dwelling and therefore the proposal would be acceptable in land use terms and accords with policy.

It is not considered that this proposal represents an over development of the site, as this is a large plot and a proportion of the new space is being created at basement level. Therefore, the objection raised by the St John's Wood Society cannot be supported in this instance.

9.2 Environment & Sustainability

Sustainable Design

The proposals include sustainability features such as air source heat pump technology, connected to underfloor heating/cooling and are considered to be in compliance with Policy 38 (Parts D, E and F).

Energy Performance

Policy 36 of the City Plan states that the council will promote zero carbon development and expects "all development to reduce on-site energy demand and maximise the use of low carbon energy sources to minimise the effects of climate change". It goes on to state "all development proposals should follow the principles of the Mayor of London's energy hierarchy. Developments should be designed in accordance with the Mayor of London's heating hierarchy".

The applicant has demonstrated that options for the retention and retrofitting of the existing building have been explored, and that it would not be technically feasible to retain the façade or the existing structure, whilst meeting their aspirational energy targets (the application has targeted better U values than those proposed in the Part L1A of the Building Regulations).

The proposal has followed the GLA energy hierarchy and has designed out any gas provision. The carbon savings are provided in the table below. The table shows the regulated carbon savings from each step of the Energy Hierarchy against a baseline of a Part L Building Regulations 2013 compliant dwelling. It therefore shows the proposal would represent an overall carbon dioxide savings a 62% per annum when compared with a part L compliant dwelling. The applicants Sustainability Statement also includes a comparison of the proposed building with the existing building which states an overall cumulative saving of 87% per annum.

Table: Regulated carbon dioxide savings from each stage of the energy hierarchy.

	Regulated Carbon Dioxide Savings	
	Tonnes CO2 per Annum	%
Be Lean: Savings from energy demand reduction	1.1	27
Be Clean: Savings from heat network	0.0	0
Be Green: Savings from renewable energy	1.3	34
Cumulative on-site savings	2.4	62

Whole life carbon

Policy 36 (Energy) states that Major development should be net zero carbon and demonstrate through an energy strategy how this target can be achieved.

The proposed scheme creates under 1000sqm of floorspace and therefore is not classed as a major application. Accordingly, a Whole Life Carbon Assessment is not required in this instance.

Circular Economy

Policy 37C states that developers are required to demonstrate the recycling, re-use and responsible disposal of construction, demolition and excavation waste. The applicant has confirmed that material re-use will be considered once a demolition contractor is appointed. It is recommended that a condition is added to any permission granted requiring the submission of a Pre-Demolition Audit /Recycling Strategy for all demolished materials.

Flood Risk & Sustainable Drainage

The site is not located within a Surface Water flood Risk Hotspot or within Flood Zones 2 or 3. Most of the proposed basement would be located under the ground floor of the building with only small projections at the front and rear going beyond this footprint. These areas would largely accommodate lightwells/rooflights for the basement. It is not considered that there will be any significant impact on surface water flooding as a result of the development, however permeable paving is proposed for the areas for parking in the front garden and the rear garden leaves substantial areas of soft landscaping and planting. The detailed landscaping scheme is recommended to be secured by condition.

Light Pollution

The proposed rooflights to the rear extension and the basement are relatively modestly sized and are not considered likely to result in any significant increase in light pollution.

Land Contamination

The site has been in residential use for some time and there is not considered to be any significant risk of land contamination.

Environment & Sustainability Summary

For a development of this size and nature it is considered that the proposal meets the City Council's environmental and sustainability policies. The demolition of the existing building has been justified in this instance.

9.3 Biodiversity & Greening

Policy 34B of the City Plan requires that "developments will, wherever possible, contribute to the greening of Westminster by incorporating trees, green walls, green roofs, rain gardens and other green features and spaces into the design of the scheme.

A green roof has been proposed above the ground floor rear extension and it is recommended that the details of this are secured by condition to ensure that it provides good biodiversity properties.

9.4 Townscape, Design & Heritage Impact

Legislative & Policy Context

The key legislative requirements in respect to designated heritage assets are as follows:

Section 66 of the LBCA Act requires that "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

Section 72 of the LBCA Act requires that "In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

Furthermore Chapters 12 and 16 of the NPPF require great weight be placed on design quality and the preservation of designated heritage assets including their setting. Chapter 16 of the NPPF clarifies that harmful proposals should only be approved where the harm caused would be clearly outweighed by the public benefits of the scheme, taking into account the statutory duty to have special regard or pay special attention, as relevant. This should also take into account the relative significance of the affected asset and the severity of the harm caused.

Design

Objections have been received on design grounds, including the appearance of the replacement building, its excessive height and bulk and the proposed treatment of front boundary.

The existing building on the site is of no real architectural or historic significance, nor does it contribute more than neutrally to the character or appearance of the St John's Wood Conservation Area within which it sits. The submitted heritage statement informs this in demonstrating that it is of relatively recent, post-war date, before which the plot was occupied by a side-wing to no.6 next door. The SJWCA Audit incorrectly notes the age of the building, although it must of course be recognised that this is not meant as a comprehensive survey of every building. The Audit does more correctly recognise it as a neutral building, rather than an unlisted building of merit or as a negative building.

The principle of replacing the building is considered to be compliant with the Council's conservation and design policies and guidance, subject to the comparative architectural merits of its replacement.

The application proposes to replace the existing dwelling with a new three-storeys plus mansard dwelling of similar overall size and form, but to a modern but traditionally-inspired design and including a basement beneath and new boundary treatments to the front, and new hard and soft-landscaping to the front and rear.

The above-ground footprint of the building would remain as existing, with the ground floor aligned with the wall lines of the adjacent two properties (nos. 4 and 6 Langford Place). To the front, the upper first and second floors would be set back from the ground floor such that they would sit back from the established frontages of no's 4 and 6 and forming a shallow first-floor balcony with simple metal railings. To the rear, as existing the proposed new building would feature a projecting ground floor, with the upper floor elevations in line with those of the adjacent properties.

The design of the proposed new building is considered to be a positive interpretation of the traditional form of typical medium-sized townhouses in the area, whilst avoiding being a traditional pastiche. It's painted stucco and render walls would be quite plainly styled, but with a strong cornice at main parapet level, and a clearly defined front and rear base in the form of the ground floor projections. The proportions of each floor diminishing upwards provides clear hierarchy from ground to top and avoids the lack of presence and ambiguity seen with the existing building. Revised during the course of the application to reduce the size of ground floor openings, it is now considered to be a well-proportioned, simple but high quality addition to the street.

The proposed inclusion of a mansard 3rd floor level would be an increase over the existing house which terminates at second floor. The architectural parapet top of the new house would be slightly higher than the equivalent parapet of the existing house and from the street would largely conceal visibility of the mansard, as shown by the submitted visuals. To the rear the mansard would be more visible due to the inclusion of a single dormer window but again this would be quite recessive when seen from most reasonable vantage points.

The provision of a basement beneath the building and part of the front apron of the property would not have a harmful impact on the conservation area due to the absence of any real external manifestation. The associated lightwell is consistent in size and design to those seen widely in the area and city as a whole, and does not in itself represent an exposure of the basement development in visual terms. The lightwell's openness (rather than its enclosure with a glazed roof) is welcomed. The proposed rear walk-on rooflights and grill-covered lightwell would be positioned up against the footprint of the house, so reducing their intrusion into the landscape qualities of the rear garden and are suitably sized to the surrounding patio area.

To the front of the property it is proposed to replace the existing boundary walls with new rendered walls punctuated by a new metal vehicular gate and a separate timber pedestrian gate. Behind the new wall would be a low bin and garden store, and a paved area for car parking, surrounded by low-level planting. This proposal was revised during the course of the application to sit more comfortably alongside the established pattern of traditional boundary walls and gates on this road within the conservation area. The design now submitted is considered to represent some improvement upon the existing.

To the rear, the garden is proposed to be landscaped without substantive changes to ground levels but replacing the boundary to one side (with no.6) with a new brick-clad wall. A new condenser unit would be housed within an acoustic enclosure, the appearance to be conditioned.

The proposed new house and associated proposals would represent some improvement overall from the existing house in terms of its impact on the local townscape and conservation area. It is considered to be a notably better design than the existing, and this in combination with a restrained design of mansard roof, enables the proposal to mitigate for the slight increases to height proposed from the existing. It is considered that the proposals are of a high quality of individual design which would contribute positively to the character and appearance of the conservation area and have no adverse impact upon the setting of neighbouring designated heritage assets.

As such, the proposal is considered acceptable, mindful of policies 38, 39 and 40 of the Westminster City Plan 2019-2040; and therefore, a recommendation to grant conditional permission would be compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

9.5 Residential Amenity

Policy 7 of the City Plan seeks to protect surrounding residences from unacceptable loss of daylight/ sunlight, sense of enclosure, loss of privacy and noise. Policy 38C of the City Plan requires that all development, introduces measures that reduce the opportunity for crime and anti-social behaviour, promoting health, well-being and active lifestyles through design and ensuring a good standard of amenity for new and existing occupiers.

Objections have been received on amenity grounds, specifically the loss of sunlight/daylight to Langford Close and Langford Place and noise and overlooking to mews from introduction of balcony at first floor level.

Daylight & Sunlight and sense of enclosure

The front elevation of the proposed building would remain set back from the building line of the two neighbouring buildings. The ground floor rear extension would be located behind the ground floor rear extensions of the neighbouring buildings and the rear building line at first to second floor levels would remain approximately as existing and within the rear building line of the neighbouring properties. Although at rear second floor level the proposed rear elevation would be slightly higher than existing and project above the adjacent rear extension of No 4 Langford Place this would be minor, and no windows would be significantly impacted in terms of loss of sunlight and daylight or sense of enclosure. Due to its set back from the parapet and the pitched roof the proposed mansard storey is not considered to result in any loss of light or sense of enclosure to surrounding properties.

There is a window in the side elevation of 6 Langford Place at second floor level which serves an ensuite within that property, however it is not considered that the minor increase in height to the side elevation of 6A and the set back pitched loft floor would have any noticeable effect on daylight reaching the window or result in any increased sense of enclosure.

A condition is recommended to prevent the further extension of the building under permitted development rights.

Privacy

The proposed windows at first and second floor level would be in a similar position to the existing windows and the proposed loft level dormer windows to front and back would be set back behind the building's parapet. It is not considered that the proposal would result in any significant increase in overlooking. The only balcony proposed is to the front elevation which reflects the existing balcony at this level and which does not project beyond the building line of the neighbouring properties. It is however recommended that a condition is attached to any permission ensuring that the roof of the rear ground floor extension is not used as a terrace to prevent potential overlooking. It is also recommended that a condition is attached requiring that the proposed side window at second floor level and to the side dormers at roof level are obscure glazed and fixed shut. The applicant has requested that the condition regarding the side roof dormers is adapted to allow the flexibility for either a fixed shut and obscure glazed window or an alternative design of window to be applied for.

Noise & Vibration

Two air source heat pump units inside a plant room at basement level at the front of the property and an air condenser unit in the rear property garden are proposed as part of the application. A Noise Impact Assessment Report, and Planning Compliance Report have been submitted with the application and assessed by the City Council's Environmental Health officer who has no objection subject to the imposition of standard noise conditions including the installation of noise mitigation measures.

9.6 Transportation, Accessibility & Servicing

The City Council's Highways Planning Manager has assessed the proposals and has no objection subject to the imposition of conditions requiring, details of 2 cycle parking spaces, that car parking retained for residential occupier use only and for no other purpose for the life of the development and details of an electric vehicle charging point. It is recommended that these conditions be attached to any planning permission.

9.7 Economy including Employment & Skills

It is recognised that the proposal will create jobs during the construction period.

9.8 Other Considerations

Basement

The application involves the creation of a single storey basement level. City Plan Policy 45 relates to basement developments.

Part A. 1-4

These parts of the policy relate to structural stability; surface water and sewerage flooding; minimising the impact at construction and occupation stages; protecting heritage assets and conserving the appearance of the existing building, garden setting and the surrounding area.

The applicant has provided a Construction Method Statement prepared by an appropriately qualified structural engineer.

This document has been reviewed by Building Control who advise that the submitted Structural Method Statement is appropriate and that the site investigation shows flood risk is minimal. A movement assessment anticipates the structural impact and movements on the adjacent buildings to be minimal. The scheme is justified structurally and the proposal is considered to be viable and from the preliminary structural information provided at this stage. The site is not within a surface water flooding hotspot.

The purpose of the structural methodology report at the planning application stage is to demonstrate that a subterranean development can be constructed on the particular site having regard to the existing structural conditions and geology. It does not prescribe the engineering techniques that must be used during construction which may need to be altered once the excavation has occurred. The structural integrity of the development during the construction is not controlled through the planning system but through Building Regulations and the Party Wall Act. Therefore, we are not approving this report or conditioning that the works shall necessarily be carried out in accordance with the report. Its purpose is to show, with professional duty of care, that there is no reasonable impediment foreseeable at this stage to the scheme satisfying the Building Regulations in due course. This report will be attached for information purposes to the draft decision letter.

Objections have been received regarding the structural safety of wall on eastern side of

6A's garden and regarding the impact of demolition and basement construction on structure of neighbouring buildings. It is considered that the applicant has demonstrated sufficiently at this stage that the works can be carried out without structural harm to neighbouring properties.

An objection has been received on the grounds of noise and disturbance as a result of construction works especially on people working from home. The City Council has adopted its Code of Construction Practice (CoCP). The applicant has submitted an agreed Appendix A for the CoCP and it is recommended that a condition is attached to any permission requiring that the construction method is agree with Environmental Services prior to commencement. It is considered that this is the best method to address potential construction disturbance for neighbouring properties.

Part B 1-5

These parts of the policy relate to the extent and depth of basements. This includes limiting the extent and depth of basement developments so to reduce both the risks associated with basement development and to mitigate any negative environmental and amenity impacts. Basement developments are typically (unless exceptions apply) limited to a single storey and must not extend more than 50% of the garden land. Where basements shall not reside directly underneath the building footprint, a minimum of one metre of soil depth (plus minimum 200mm drainage layer) and adequate overall soil volume above the top cover of the basement must be provided. In addition, a margin of undeveloped land should be left, proportionate to the scale of the development and the size of the garden, around the entire site boundary.

The basement would largely be beneath the footprint of the property and would not extend beneath more than 50% of garden land. There would be a small area of the basement adjacent to the front lightwell that would not comply with the soil depth requirement however due to its minimal size (approximately 2sqm), the impracticality of providing soil depth for this small section and the fact that it provides the pathway to the front door where there would be no scope to provide landscaping in any case the proposed basement is considered to be acceptable in this particular case. There would also be no margin of undeveloped land between the front lightwell and the adjacent property at No.4. However, given the small size of the lightwell (less than 2m), this is again considered to be acceptable in this instance.

The basement would be a single storey however at 2.9 m floor it would have a slightly higher floor to ceiling height than the 2.7m referenced in the City Plan basement policy supporting text. The floor to ceiling height in the City Plan however is stated as an approximate figure and it is considered that 0.2 metres over that is within an acceptable range. The proposed pool also means the depth of excavation goes significantly beyond this for the part of the basement accommodating the swimming pool. It is accepted that, to accommodate a swimming pool excavation, depths would need to go beyond the standard floor to ceiling depths and in this case on balance this additional depth is considered acceptable. Overall, the proposed basement is considered to be acceptable.

9.9 Environmental Impact Assessment

The proposed development is not of sufficient scale or impact to require an Environmental Impact Assessment.

9.10 Planning Obligations & Pre-Commencement Conditions

Planning obligations are not relevant in the determination of this application.

During the course of this application a notice was served relating to the proposed imposition of pre-commencement conditions to secure the applicant's adherence to the City Council's Code of Construction Practice during the demolition/excavation and construction phases of the development and requiring that prior to any demolition taking place, a pre-demolition audit to identify the recycling of the existing building materials to ensure this is maximised shall be submitted to and approved. The applicant has agreed to the imposition of these conditions.

10. Conclusion

The proposal is considered acceptable in design terms, mindful of policies 38, 39, 40 of the Westminster City Plan 2019-2040 (April 2021) with limited impact to the character and appearance of the building and no significant harm to the character and appearance of the St Johns Wood Conservation Area a designated heritage asset. The proposal would also be compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Whilst recognising the concerns raised by the objectors, the proposal is considered acceptable in design, conservation, sustainability and amenity terms.

(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: IAN CORRIE BY EMAIL AT icorrie@westminster.gov.uk

11. KEY DRAWINGS



Existing front elevation



Proposed Front elevation



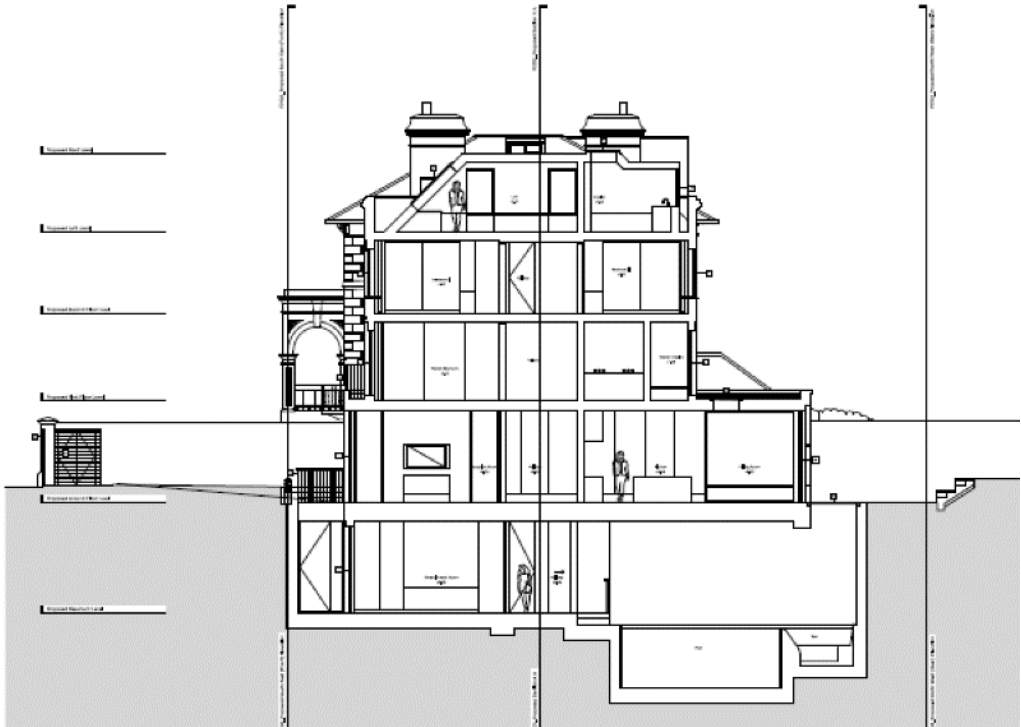
Existing Rear elevation



Proposed rear Elevation

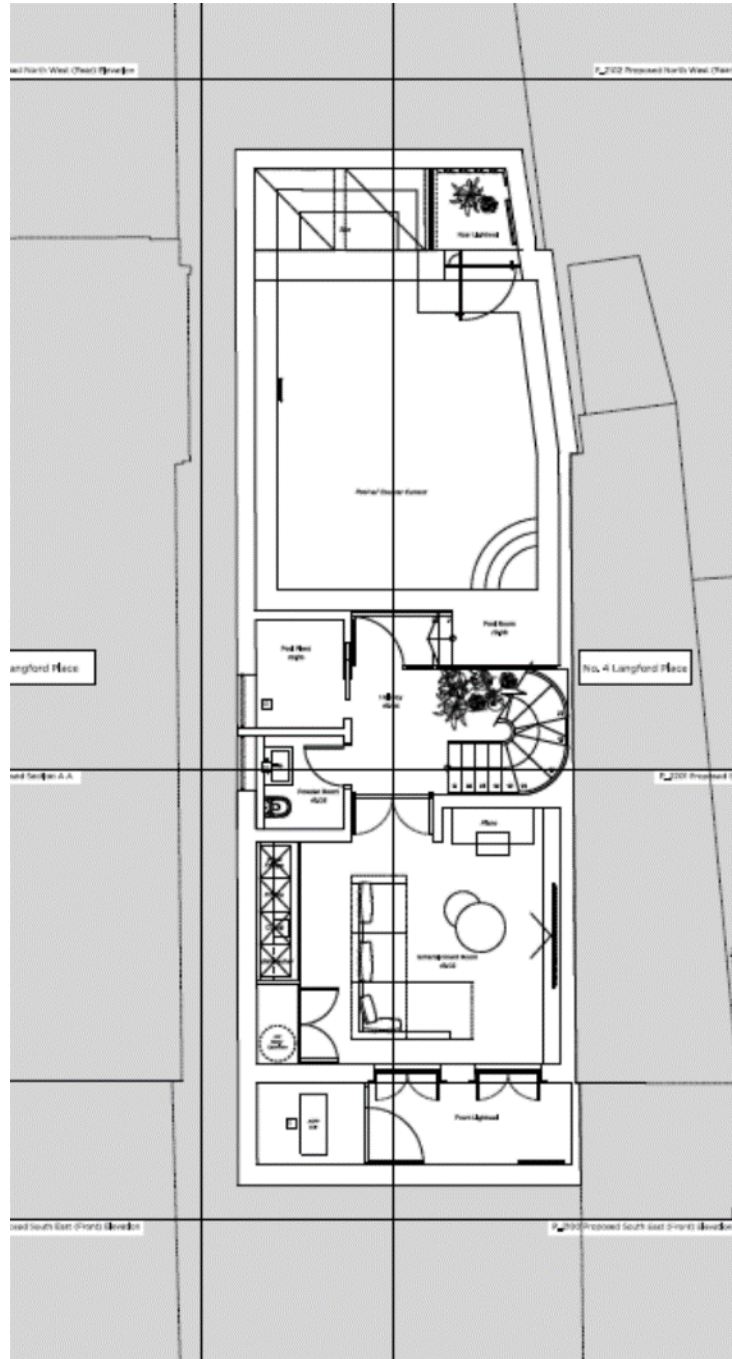


Existing Section

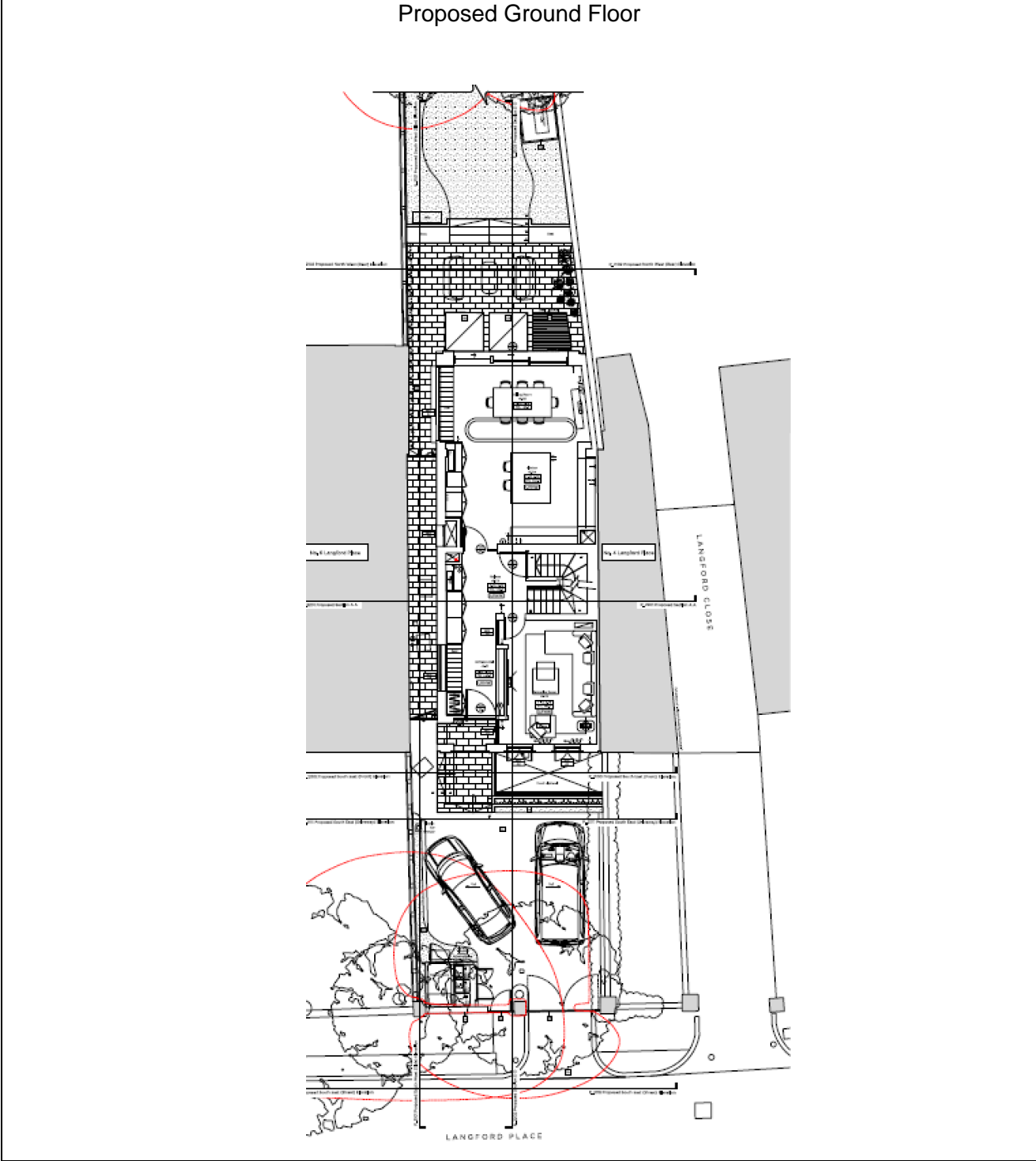


Proposed Section

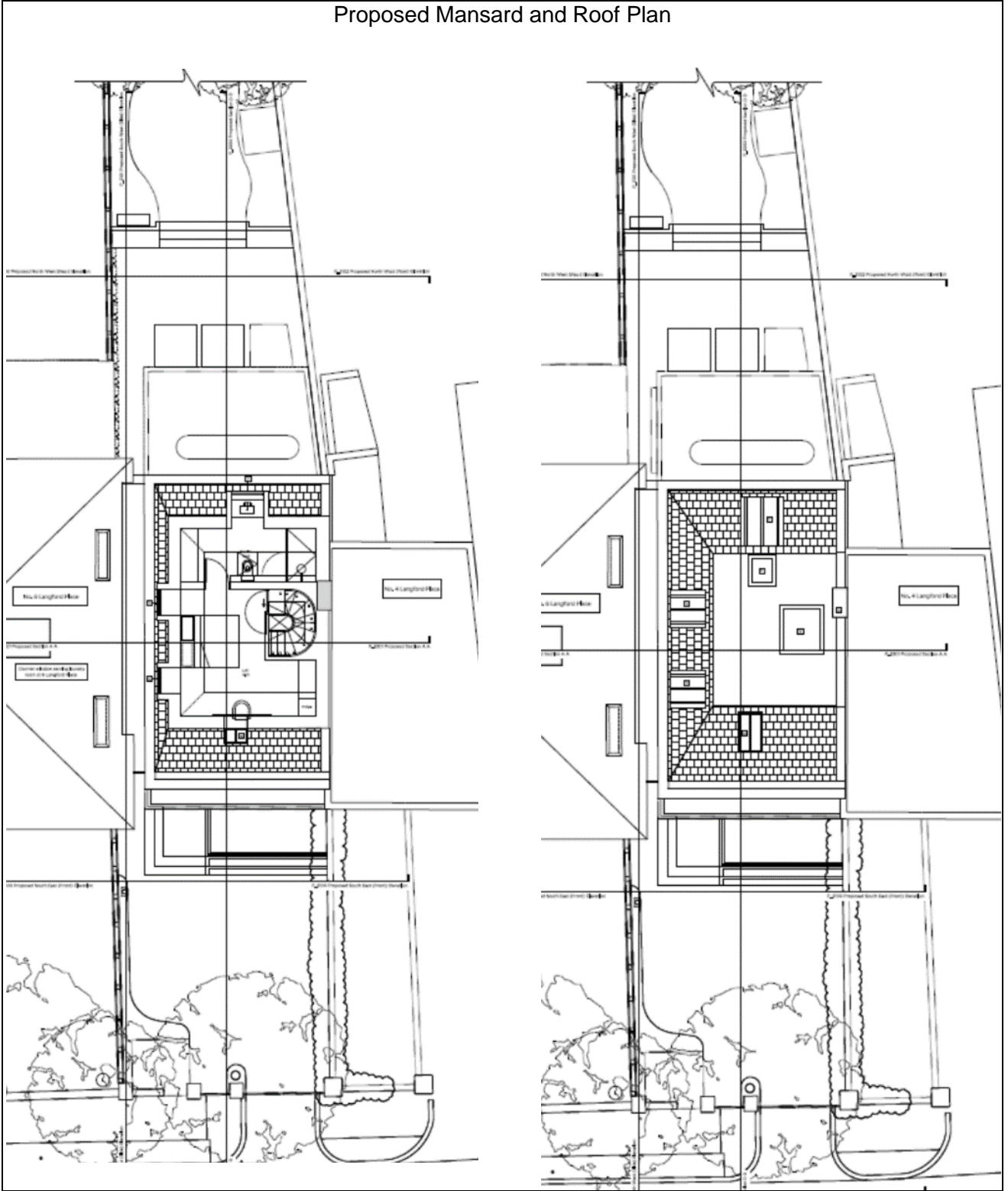
Proposed basement



Proposed Ground Floor



Proposed Mansard and Roof Plan



DRAFT DECISION LETTER

Address: 6A Langford Place, London, NW8 0LL,

Proposal: Demolition of the existing 3-storey dwelling house, erection of a replacement dwelling house with hipped roof over four storeys (plus basement), with front and rear lightwells, alterations to front boundary including installation of vehicular and pedestrian gates, new hard and soft landscaping and all associated works including air source heat pumps.

Plan Nos: Site location PlaP0200; P0290; P0600; P0601; P0602; P0603; P0700; P0701; P0702; P0710; P0801; P0802; P0300; P1000; P1001; P1002; P1003; P1100; P1101; P1102; P1110; P1201:P1202; P0310A; P1999; P2000C; P2001; P2002; P2003; P2004; P2100B; P2101RevA; P2102; P2110B: P2111A; P2201; P2202; P3500A; Highways Technical Note; Planning Statement; Energy and Sustainability Statement; Basement Impact Assessment; Design and Access Statement; Structural Method Statement (for information only); Noise planning compliance report; Noise Impact Assessment; Tree Survey and Impact Assessment; Heritage Statement;

Case Officer: Richard Langston

Direct Tel. No. 07866036470

Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

Reason:

For the avoidance of doubt and in the interests of proper planning.

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:
 - o between 08.00 and 18.00 Monday to Friday;
 - o between 08.00 and 13.00 on Saturday; and
 - o not at all on Sundays, bank holidays and public holidays.

You must carry out piling, excavation and demolition work only:

- o between 08.00 and 18.00 Monday to Friday; and
- o not at all on Saturdays, Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

- 3 You must apply to us for approval of further information about the following parts of the development:
- (a). Windows, doors, dormers and rooflights (detailed elevations and sections at 1:10, plus product specifications where applicable);
 - (b). New front boundary gates (detailed elevations and sections at 1:10);
 - (c). The appearance of the heat pump acoustic enclosure (detailed elevations and sections at 1:20).
- You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these approved details. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the St John's Wood Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 4 You must apply to us for approval of a detailed written and photographic schedule / specification of the facing, roofing and hard-surfacing materials you propose to use, with annotated versions of the approved plans and elevations to show the usage of each of the proposed materials. You must not start work on the relevant parts of the development until we have approved in writing what you have sent us. You must then carry out the work using the approved materials. (C26BD)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the St John's Wood Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 5 You must apply to us for approval of detailed drawings of a landscaping scheme which includes the surfacing of any part of the site not covered by buildings. You must not start work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the landscaping according to these approved drawings within 1 year of completing the development (or within any other time limit we agree to in writing). (C30AC)

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of this part of the St Johns Wood Conservation Area, and to improve its contribution to biodiversity and the local environment. This is as set out in Policies 34, 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R30CE)

- 6 You must protect the trees according to the details, proposals, recommendations and supervision schedule set out in the arboricultural report ref: S665-J1-IA-1 by John Cromar's Arboricultural Company Ltd You must undertake the special methods of working and arboricultural supervision according to these details. If you need to revise any of these tree protection provisions, you must apply to us for our approval of the revised details, and you must

not carry out work the relevant part of the development until we have approved what you have sent us. You must then carry out the work according to the approved details

Reason:

To protect the trees and the character and appearance of this part of the St Johns Wood Conservation Area. This is as set out in Policies 34, 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R31DD)

- 7 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved in writing by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.
- (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved in writing by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.
- (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for written approval by the City Council. Your submission of a noise report must include:
- (a) A schedule of all plant and equipment that formed part of this application;
 - (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
 - (c) Manufacturer specifications of sound emissions in octave or third octave detail;
 - (d) The location of most affected noise sensitive receptor location and the most affected window of it;
 - (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
 - (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
 - (g) The lowest existing LA90, 15 mins measurement recorded under (f) above;
 - (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;

(i) The proposed maximum noise level to be emitted by the plant and equipment. (C46AC)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R46AC)

- 8 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.2m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property. (C48AB)

Reason:

To ensure that the development is designed to prevent structural transmission of noise or vibration and to prevent adverse effects as a result of vibration on the noise environment in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R48AB)

- 9 The noise mitigation measures specified in Section 6 of the submitted Planning Compliance Report must be installed prior to the operation of the plant hereby approved.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R46AC)

- 10 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number P2000RevC prior to occupation and thereafter you must permanently retain them for the storage of waste and recycling. You must clearly mark them and make them available at all times to everyone using the property. (C14FC)

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in Policies 7 and 37 of the City Plan 2019 - 2040 (April 2021). (R14CD)

- 11 You must not use any part of the roof of the building for sitting out or for any other purpose. You can however use the roof to escape in an emergency. (C21BA)

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in Policies 7, 33 and 38 of the City Plan 2019 - 2040 (April 2021). (R21BD)

12 **Pre Commencement Condition.** Prior to the commencement of any:

- (a) demolition, and/or
- (b) earthworks/piling and/or
- (c) construction

on site you must apply to us for our written approval of evidence to demonstrate that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of the relevant completed Appendix A checklist from the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Sciences Team, which constitutes an agreement to comply with the Code of Construction Practice and requirements contained therein. Commencement of the relevant stage of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval through submission of details prior to each stage of commencement. (C11CD)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

13 You must hang all doors or gates so that they do not open over or across the road or pavement. (C24AA)

Reason:

In the interests of public safety and to avoid blocking the road as set out in Policies 24 and 25 of the City Plan 2019 - 2040 (April 2021). (R24AD)

14 You must apply to us for approval of details of secure cycle storage and associated facilities for cyclists for the residential use. You must not start any work on this part of the development until we have approved in writing what you have sent us. You must then provide the cycle storage and associated facilities in line with the approved details prior to occupation and make it available at all times to everyone using the house. You must not use the cycle storage and associated facilities for any other purpose. (C22JA)

Reason:

To provide cycle parking spaces for people using the development in accordance with Policy 25 of the City Plan 2019 - 2040 (April 2021). (R22FB)

15 You must provide each car parking space shown on the approved drawings prior to occupation of the development and thereafter permanently retain them. Each car parking space shall only be used for the parking of vehicles of people living in the residential part of this development. (C22BB)

Reason:

To provide parking spaces for people using the development as set out in Policy 27 of the City Plan 2019 - 2040 (April 2021). (R22AC)

- 16 Prior to commencement of development details of an electric vehicle charging point should be submitted for approval and thereafter installed and maintained in working order for the life of the development

Reason:

To provide an electrical vehicle charging point as set out in Policy 27 of the City Plan 2019 - 2040 (April 2021).

- 17 The glass that you put in the window at second floor level and the lower sash panel of the windows to the roof dormers in the side elevation (South West) of the building must not be clear glass, and you must fix the second floor window and lower sash of the dormer windows permanently shut. You must apply to us for approval of a sample of the glass (at least 300mm square). You must not start work on the relevant part of the development until we have given our written approval for the sample. You must then install the type of glass we have approved and must not change it without our permission. (C21DB)

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out Policies 7 and 38 of the City Plan 2019 - 2040 (April 2021). (R21AD)

- 18 You must provide the green roof to the flat roof at rear first floor level as shown in the approved drawings. Prior to commencing works on this part of the development you must submit details of a green roof including species and maintenance. This must be installed as an integral part of the construction of the extension, and once installed must be maintained and retained in accordance with the details thereafter.

Reason:

To increase the biodiversity of the environment, as set out Policy 34 of the City Plan 2019 - 2040 (April 2021). (R43FC)

- 19 Pre-commencement condition
Prior to any demolition taking place, a pre-demolition audit to identify the recycling of the existing building materials to ensure this is maximised shall be submitted to and approved by the City Council as local planning authority.

The development shall be carried out in accordance with this Pre-Demolition Audit.

Reason:

To maximise the recycling of the existing building materials in accordance with policy 37 of the City Plan and the advice in the adopted Environmental SPD.

- 20 You must not extend the building or erect another building/enclosure within its curtilage without our written permission. This is despite the provisions of Classes A-E of Part 1 of Schedule 2 to the Town and country Planning General Permitted Development (England) Order 2015 (as amended) (or any order that may replace it).

Reason:

To prevent an overdevelopment of the site and to protect the environment of people in neighbouring properties. This is as set out in Policies 7, 33 and 38 of the City Plan 2019-2040 (April 2021). (R21ED)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 As this development involves demolishing the buildings on the site, we recommend that you survey the buildings thoroughly before demolition begins, to see if asbestos materials or other contaminated materials are present - for example, hydrocarbon tanks associated with heating systems. You can get a copy of this document at www.westminster.gov.uk/contaminated-land. For further advice you can email Public Protection and Licensing at environmentalsciences2@westminster.gov.uk.
- 3 **HIGHWAYS LICENSING:**
Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please visit our website at www.westminster.gov.uk/guide-temporary-structures.

CONSIDERATE CONSTRUCTORS:

You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.

BUILDING REGULATIONS:

You are advised that the works are likely to require building regulations approval. Details in relation to Westminster Building Control services can be found on our website at www.westminster.gov.uk/contact-us-building-control

- 4 This site is in a conservation area. By law you must write and tell us if you want to cut, move or trim any of the trees there. You can apply online at the following link: www.westminster.gov.uk/trees-and-high-hedges. You may want to discuss this first with our Tree Officers by emailing privatelyownedtrees@westminster.gov.uk.
- 5 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: www.westminster.gov.uk/cil

Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form** **immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**

CIL forms are available from the planning on the planning portal:
www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

Forms can be submitted to CIL@Westminster.gov.uk

Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.

- 6 With reference to condition please refer to the Council's Code of Construction Practice at (www.westminster.gov.uk/code-construction-practice). You will be required to enter into an agreement with the Council appropriate to this scale of development and to pay the relevant fees prior to starting work.

Your completed and signed Checklist A (for Level 1 and Level 2 developments) or B (for basements) and all relevant accompanying documents outlined in Checklist A or B, e.g. the full Site Environmental Management Plan (Levels 1 and 2) or Construction Management Plan (basements), must be submitted to the City Council's Environmental Inspectorate (cocp@westminster.gov.uk) **at least 40 days prior to commencement of works** (which may include some pre-commencement works and demolition). The checklist must be countersigned by them before you apply to the local planning authority to discharge the above condition.

You are urged to give this your early attention as the relevant stages of demolition, earthworks/piling or construction cannot take place until the City Council as local planning

authority has issued its written approval of each of the relevant parts, prior to each stage of commencement.

Where you change your plans after we have discharged the condition, you must re-apply and submit new details for consideration before you start work. Please note that where separate contractors are appointed for different phases of the project, you may apply to partially discharge the condition by clearly stating in your submission which phase of the works (i.e. (a) demolition, (b) excavation or (c) construction or a combination of these) the details relate to. However please note that the entire fee payable to the Environmental Inspectorate team must be paid on submission of the details relating to the relevant phase.

Appendix A must be signed and countersigned by the Environmental Inspectorate prior to the submission of the approval of details of the above condition.

- 7 This permission is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.
- 8 In respect to condition 19, the City Council recommends that in order to minimise embedded carbon as well as minimising construction waste at least 95% of the demolition and construction waste should be diverted from landfill.

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Item No.
6

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 29 November 2022	Classification For General Release	
Report of Director of Town Planning & Building Control		Ward(s) involved Regent's Park	
Subject of Report	Garden House, 1A Ordnance Hill, London, NW8 6PR		
Proposal	Excavation of a basement beneath building and part of rear garden, incorporating lightwells to front and rear plus associated landscaping to rear (part-retrospective)		
Agent	SM Planning		
On behalf of	Mr Simon Goff		
Registered Number	22/00407/FULL	Date amended/ completed	15 March 2022
Date Application Received	23 January 2022		
Historic Building Grade	Unlisted		
Conservation Area	St John's Wood		
Neighbourhood Plan	Not Applicable		

1. RECOMMENDATION

Grant Conditional Permission

2. SUMMARY & KEY CONSIDERATIONS

The application proposes the excavation of a single storey basement beneath the property and part of the rear garden, with lightwells situated to the front and rear, plus the landscaping of the rear garden. This is a part-retrospective application, submitted following action from the Council's Planning Enforcement Team. The proposed basement has been part-excavated, with excavation works taking place below the footprint of the existing property. The works on site have been stopped and enforcement action is being held in abeyance, until this application has been determined.

In response to objections, the proposals have been amended during the course of determination, including: reducing the projection of the basement to 4m from the main house, the creation of an undeveloped boundary around the edges of the basement, a reduction in the size of the lightwells

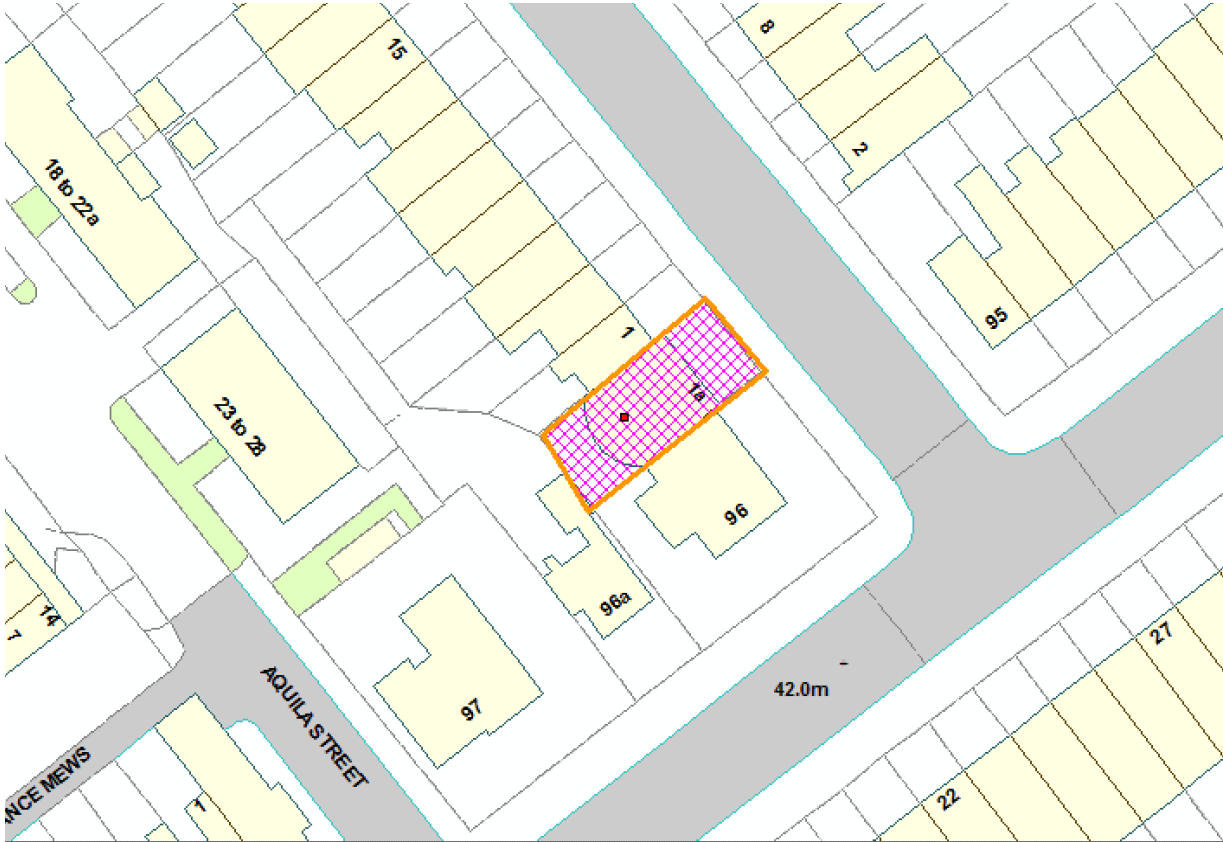
and associated alterations.

The key considerations in this case are:

- The acceptability of the basement in design terms
- The impact of the proposals on the character and appearance of the St John's Wood Conservation Area.
- The impact on the amenity of neighbouring residential properties.
- The impact of the development on nearby trees.

The proposals are considered acceptable for the reasons set out within this report, complying with City Council policies and subject to conditions as set out in the draft decision notice.

3. LOCATION PLAN



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4. PHOTOGRAPHS

Front elevation (January 2021)



5. CONSULTATIONS

5.1 Application Consultations

ST JOHN'S WOOD SOCIETY

The society note with regret that this is a retrospective application and followed planning enforcement action. Also note that party-wall notices do not appear to have been issued before the start of works. Unable to determine with confidence that the applicant has title to build under the entrance staircase of 96 St. John's Wood Terrace. Found it difficult to assess the basement application without knowing what proposals will be made for the above-ground portions of the structure in due course. Sought to encourage the applicant to present a fully developed plan for the entire site, rather than piecemeal applications starting with the basement. Asked Council's planning officers to consider carefully whether the proposed design complies with Westminster's basement policies, given the extent of the basement that is not under the existing built structure and the extent of the basement that is below the level of the shallow foundations of the adjacent properties

HIGHWAYS PLANNING MANAGER:

No objection, subject to conditions

ARBORICULTURAL OFFICER:

No objection, subject to conditions.

BUILDING CONTROL

No objection

Neighbours Consulted: 53

No. of objections: 9

Nine objections were received on some or all of the following grounds:

LAND USE

- The creation of a basement would constitute an overdevelopment of the site.
- Concerns regarding the use of the basement as sleeping accommodation.

DESIGN AND CONSERVATION

- Concern that the external aspects of the proposals are not in keeping with the character of the St John's Wood Conservation Area; and
- Concerns regarding potentially negative impacts upon the setting of nearby listed buildings.
- The extent of the basement, and the projection of the basement outside the footprint of the host building.
- Concerns raised about loss of green space.

AMENITY

- Concern raised about sound transference through the basement walls to neighbouring properties
- Concern raised about light pollution from the lightwell

HIGHWAYS

- If the existing parking in the front garden is lost, this will put more strain on an already congested road.

OTHER

- Concern about the carbon emissions associated with basement construction.
- Impact of the basement upon nearby street and private trees.
- Concerns raised regarding potential for the basement to increase local flood risk, as it is within a surface water hotspot.
- Structural concerns raised
- Object to works commencing on site without planning permission;
- Questions whether site notices have been placed as required;
- Party wall matters and structural concerns
- Noise and disturbance resulting from construction works.
- Lack of consideration of planning gain
- Concern that there is a major water pipe/public sewer running nearby to the excavations

SITE NOTICE: YES

RECONSULTATION DATED 15 September 2022

Drawings Amended, including: reducing the projection of the basement to 4m from the main house, the creation of an undeveloped boundary around the edges of the basement, alterations to lightwells.

ST JOHN'S WOOD SOCIETY

Comments unchanged.

Neighbours Consulted: 53

No. of objections: 2

OTHER

- Object to works commencing on site without planning permission;
- Party wall matters and structural concerns
- Questions whether site notices were correctly placed as is required.
- Concern that there is a major water pipe running nearby to the excavations

SITE NOTICE: YES

5.2 Applicant's Pre-Application Community Engagement

Formal pre-application engagement is not required for a development of this scale although it is encouraged by the City Council for all development. No community engagement was carried out with regards to this proposal.

6. WESTMINSTER'S DEVELOPMENT PLAN**6.1 City Plan 2019-2040 & London Plan**

The City Plan 2019-2040 was adopted at Full Council on 21 April 2021. The policies in

the City Plan 2019-2040 are consistent with national policy as set out in the National Planning Policy Framework (NPPF) (July 2021) and should be afforded full weight in accordance with paragraph 219 of the NPPF. Therefore, in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan, which was adopted by the Mayor of London in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 6.2).

As set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 49 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

6.2 Neighbourhood Planning

The application site is not located within an area covered by a Neighbourhood Plan.

6.3 National Policy & Guidance

The City Plan 2019-2040 policies referred to in the consideration of this application have been examined and have been found to be sound in accordance with tests set out in Paragraph 35 of the NPPF. They are considered to remain consistent with the policies in the NPPF (July 2021) unless stated otherwise.

7. BACKGROUND INFORMATION

7.1 The Application Site

The application site is an unlisted two-storey dwelling house, situated within the St John's Wood Conservation Area. The site is identified as an unlisted building of merit in the St John's Wood Conservation Area appraisal. The property is a single-family dwelling, although it is currently vacant. The property has both a front and rear gardens, with the front garden used as a parking area.

7.2 Recent Relevant History

21/75238/M
(Enforcement Query) Unauthorised works to the building
Pending Consideration

8. THE PROPOSAL

The application proposes the creation of basement beneath the footprint of the property and part of the rear garden, plus the creation of lightwells to the front and rear. The basement would be a single storey and project 4m from the rear of the property. The lightwell proposed to the front of the property measures 2 sqm, and is to be covered with a security grille at ground level. The lightwell to the rear would measure 3.8 sqm, and would be enclosed by a proposed metal safety balustrade.

The basement is proposed to contain a small gym, playroom/leisure room space, study and laundry, as well as storage space.

Landscaping works are proposed to the rear of the property, these involve the excavation of earth to the rear to create a planted garden area.

During the course of the application amendments have been made to the proposals including: reducing the projection of the basement to 4m from the main house and the creation of an undeveloped boundary around the edges of the basement. The size of the front lightwell has also been reduced to avoid intrusion into the root protection areas of surrounding trees and reduce its visual impact. The rear lightwell has been reduced in size and now features a metal safety balustrade, replacing the originally proposed glazed balustrade. The front lightwell window has also been made openable, for ventilation purposes.

9. DETAILED CONSIDERATIONS

9.1 Land Use

The principle of providing additional floorspace to enlarge the existing residential dwelling house is acceptable in land use terms and accords with Policy 8 of City Plan 2019 - 2040 (2021).

It is not considered that this proposal represents an over development of the site, as all new floorspace is being created at basement level. Therefore, the objections raised by neighbours cannot be supported in this instance.

Whilst objectors have raised concerns that the basement could be used for sleeping accommodation, the proposed plans show that it will be used as ancillary living space and storage, it would not be reasonable to refuse the application on these grounds.

9.2 Environment & Sustainability

Sustainable Design

The scheme demonstrates compliance with Policy 38 (Parts D, E and F).

The applicant has confirmed that the materials intended for the development are to be robust, low maintenance and long lasting to suit the intended basement use. The building elements are to incorporate appropriate design and specification measures to limit material degradation due to environmental factors. Once selected, the contractor will be instructed to ensure materials are sustainably procured and utilise locally sourced and produced materials in an effort to reduce transport energy use. All timber used is stated to be FSC (or equivalent) certified.

Energy Performance

Policy 36 of the City Plan states that the council will promote zero carbon development and expects "all development to reduce on-site energy demand and maximise the use of low carbon energy sources to minimise the effects of climate change". It goes on to state "all development proposals should follow the principles of the Mayor of London's energy

hierarchy. Developments should be designed in accordance with the Mayor of London's heating hierarchy".

The applicant has confirmed that the new development will incorporate the use of LED low energy lighting throughout the extended space. External lighting and will also be checked and replaced with low energy lighting with daylight (photocell) controls to prevent unnecessary daytime use.

The amended basement design includes openable windows in the proposed basement lightwells. This was requested specifically to aid with air circulation. Improved air circulation will improve passive cooling of the basement and will reduce ongoing energy demands for active cooling if required. This should lower the operational energy requirements for the basement when in use, particularly in summer months.

Circular Economy

Policy 37C states that developers are required to demonstrate the recycling, re-use and responsible disposal of construction, demolition and excavation waste. The Applicant has confirmed that material re-use will be considered once a demolition contractor is appointed. The scheme is not a "major" proposal, therefore the applicant is not obliged to comply with the Circular Economy policies, however the applicant has confirmed that existing materials will be recycled where possible, and has stated that the appointed principal contractor will be encouraged to develop and implement a site waste management plan (SWMP) to identify opportunities to minimise waste, optimise reuse and recycling and reduce waste to landfill.

Whole life carbon

Objectors have raised concern in relation to carbon emissions associated with the construction of the basement. However, given the domestic scale of the proposals it would not be reasonable to refuse the application on these grounds.

Flood Risk & Sustainable Drainage

Objections have been raised in relation to flooding. It is confirmed that the application site is not within a surface water hotspot.

The extent of the basement has been reduced during amendments to leave an undeveloped margin around the structure. This will provide opportunity for water drainage around the basement and lessen any risk of surface water flooding (further information in Section 9.8 below). A condition is also recommended to ensure that the rear ground floor terrace will be constructed of a porous material. Accordingly, it is considered that there will not be any significant impact on surface water flooding because of the development

Light Pollution

The proposed lightwells are of a relatively small size and the proposals are unlikely to result in levels of light spill that will materially increase levels of light pollution.

Land Contamination

The site has been in residential use for some time and there is not considered to be any significant risk of land contamination.

Environment & Sustainability Summary

For a development of this size and nature it is considered that the proposal meets the City Council's environmental and sustainability policies.

9.3 Biodiversity & Greening

Policy 34B of the City Plan requires that "developments will, wherever possible, contribute to the greening of Westminster by incorporating trees, green walls, green roofs, rain gardens and other green features and spaces into the design of the scheme.

Objectors have raised concern that the proposals would lead to a loss of green space.

The front and rear gardens are currently entirely paved. Whilst the proposals include a rear lightwell and terrace area, it is proposed that the rest of the rear garden area be landscaped to increase greenspace (approx. 58.8% of the rear garden). A condition is recommended to secure details of the landscaping scheme. Accordingly, the proposals are considered an improvement over the existing situation and it would not be sustainable to refuse the application on these grounds.

The proposals are deemed to be in accordance with Policy 34B

9.4 Townscape, Design & Heritage Impact

Legislative & Policy Context

The key legislative requirements in respect to designated heritage assets are as follows:

Section 72 of the LBCA Act requires that *"In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."*

Whilst there is no statutory duty to take account of effect on the setting of a conservation area, Policy 39(K) in the City Plan 2019-2040 requires that where development will have a visibly adverse effect upon a conservation area's recognised special character or appearance, including intrusiveness with respect to any recognised and recorded familiar local views into, out of, within or across the area, it will not be permitted.

Furthermore Chapters 12 and 16 of the NPPF require great weight be placed on design quality and the preservation of designated heritage assets including their setting. Chapter 16 of the NPPF clarifies that harmful proposals should only be approved where the harm caused would be clearly outweighed by the public benefits of the scheme, taking into account the statutory duty to have special regard or pay special attention, as relevant. This should also take into account the relative significance of the affected asset

and the severity of the harm caused.

Design and Heritage

Neighbour objections have been received on heritage grounds, specifically the impact on the proposals on the character of the St John's Wood Conservation Area. Although objections have also been received in relation to the impact of this proposal on listed building in the vicinity of the application site, this property cannot be considered to be within the setting of those listed properties.

The provision of a basement beneath the building of the property would not have a harmful impact on the conservation area due to the absence of any real external manifestation. The only externally visible elements would be the very modest front lightwell and rear lightwell, which is more substantial. Though it occupies a large proportion of the back garden, based on its discreet location within the rear garden and it being shielded from neighbouring properties by the existing boundary treatment, the rear lightwell is considered to have a neutral impact on the character and appearance of the St John's Wood Conservation area. Following Design and Conservation Officer input, the proposed balustrade to this lightwell has been amended from the original glazed design to a set of metal railings. Glazing can appear highly reflective when viewed from afar and can quickly attract grime, thereby appearing more opaque than intended. Metal railings are therefore deemed to be a more considered and appropriate design choice for the area.

The front lightwell is more prominently located but would be much more modest in scale and covered by a grille. There are examples of front lightwells on properties in the immediate area and though not prevalent it would mean the proposal would not appear alien to the area. As such, concerns raised over the appearance of the scheme are considered not to be sustainable grounds for refusal.

The use of landscaping in the rear garden area is not considered contentious.

9.5 Residential Amenity

Policy 7 of the City Plan 2019-2040 (adopted April 2021) relates to protecting neighbouring amenities. Part (A) states that development should be neighbourly by protecting and where appropriate enhancing amenity, by preventing unacceptable impacts in terms of daylight and sunlight, sense of enclosure, overshadowing, privacy and overlooking.

Given that there is no change to the bulk, scale and massing of the property as a result of these proposals they are unlikely to create any issues of overshadowing, increased sense of enclosure or overlooking to neighbouring properties.

The creation of a residential basement is unlikely to lead to additional noise generation from the site when compared with the existing situation. The walls of the basement will be required to meet current building standards for soundproofing.

Objectors have also raised concern that the lightwells will lead to light pollution. The proposed lightwells are discreetly located away from neighbouring properties and are of

a relatively small size. Accordingly, it is considered that they are unlikely to materially increase levels of light pollution

The proposals are therefore considered to be acceptable in amenity terms.

9.6 Transportation, Accessibility & Servicing

Objectors state that if the existing parking in the front garden is lost, this will put more strain on an already congested road. The proposals do not involve a loss of parking and, given that the proposed basement does not project beneath the highway, the Highways Planning Manager has no objection.

9.7 Economy including Employment & Skills

It is recognised that the proposal will create jobs during the construction period.

9.8 Other Considerations

Basement Policy

The application involves the creation of a single storey basement level. City Plan Policy 45 relates to basement developments.

Part A. 1-4

These parts of the policy relate to structural stability; surface water and sewerage flooding; minimising the impact at construction and occupation stages; protecting heritage assets and conserving the appearance of the existing building, garden setting and the surrounding area.

Objections have been received regarding the impact of basement construction on the structure of neighbouring buildings and flood risk.

The applicant has provided a Construction Method Statement prepared by an appropriately qualified structural engineer.

This document has been reviewed by Building Control who advise that the submitted Structural Method Statement is appropriate and that the site investigation shows flood risk is minimal. A movement assessment anticipates the structural impact and movements on the adjacent buildings to also be minimal. The scheme is justified structurally and the proposal is considered to be viable from the preliminary structural information provided at this stage. The site is not within a surface flooding hotspot.

The purpose of the structural methodology report at the planning application stage is to demonstrate that a subterranean development can be constructed on the particular site having regard to the existing structural conditions and geology. It does not prescribe the engineering techniques that must be used during construction which may need to be altered once the excavation has occurred. The structural integrity of the development during the construction is not controlled through the planning system but through Building Regulations and the Party Wall Act. Therefore, we are not approving this report or conditioning that the works shall necessarily be carried out in accordance with the

report. Its purpose is to show, with professional duty of care, that there is no reasonable impediment foreseeable at this stage to the scheme satisfying the Building Regulations in due course. This report will be attached for information purposes to the draft decision letter.

It is considered that the applicant has demonstrated sufficiently at this stage that the works can be carried out without structural harm to neighbouring properties and without risk of flooding.

Objections have been received on the grounds of noise and disturbance as a result of construction works. The City Council has adopted its Code of Construction Practice (CoCP). The applicant has submitted an Appendix A for the CoCP and it is recommended that a condition is attached to any permission requiring that the construction method is agreed with Environmental Services prior to commencement on the remaining elements of the scheme. It is considered that this is the best method to address potential construction disturbance for neighbouring properties.

Part B 1-5

These parts of the policy relate to the extent and depth of basements. This includes limiting the extent and depth of basement developments so to reduce both the risks associated with basement development and to mitigate any negative environmental and amenity impacts. Basement developments are typically (unless exceptions apply) limited to a single storey and must not extend more than 50% of the garden land. Where basements shall not reside directly underneath the building footprint, a minimum of one metre of soil depth (plus minimum 200mm drainage layer) and adequate overall soil volume above the top cover of the basement must be provided. In addition, a margin of undeveloped land should be left, proportionate to the scale of the development and the size of the garden, around the entire site boundary.

The drawings provided within the revised application submission show a basement development that would be considered compliant with Policy 45 part B. The basement will leave over 50% of the existing garden land undeveloped, and have a projection of 4 meters from the main area of the house. A satisfactory undeveloped margin of garden land has also been left around the proposed basement, and the footprint does not extend under any highway land. In terms of basement depth, this is shown to be single-storey, with adequate soil depth above. This is deemed to fulfil the requirements of Policy 45.

Arboriculture

Policy 34 Part H states that trees of amenity, ecological and historic value and those which contribute to the character and appearance of the townscape will be protected.

Objection has been raised by neighbours that the proposals could damage nearby mature trees.

The Council's Tree Office has reviewed the submitted material and has identified that at the front of the application site there is both large horse chestnut and a Council owned alder street tree. In the rear garden there are smaller shrub species including privet, *Elaeagnus* and cotoneaster. There is also an offsite but directly adjacent apple tree at

the rear of the application site. These trees benefit from protected status by virtue of being within the St Johns Wood Conservation Area.

An Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) have been provided by the applicant during the course of determination. These details were found to be acceptable, and the Tree Officer is satisfied that all trees at the application site and in close proximity will benefit from adequate protection during the proposed works. A condition is recommended to ensure that the development is undertaken in accordance with these details.

The reduction in size of the front lightwell has been undertaken partly to ensure that the root protection areas of the trees to front of the property will remain free from excavation. Having examined the revised proposal, the Council's Tree Officer is satisfied that no part of the basement will intrude into the root protection areas of any protected trees.

Site Notices

Objectors have raised concern that site notices were correctly placed as is required. It is confirmed that site notices were placed outside the application site during both the first and second neighbour consultations.

Party Wall Matters

Party wall matters are not a material planning consideration

9.9 Environmental Impact Assessment

The proposed development is not of sufficient scale or impact to require an Environmental Impact Assessment.

9.10 Planning Obligations & Pre-Commencement Conditions

During the course of this application a notice was served relating to the proposed imposition of a pre-commencement condition to secure the applicant's adherence to the City Council's Code of Construction Practice during the demolition/excavation and construction phases of the development. The applicant has agreed to the imposition of the condition.

10. Conclusion

The proposal is considered acceptable in design terms, mindful of policies 38, 39, 40 of the Westminster City Plan 2019-2040 (April 2021) with neutral impact on the building and the character and appearance of the St Johns Wood Conservation Area. The proposal would also be compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

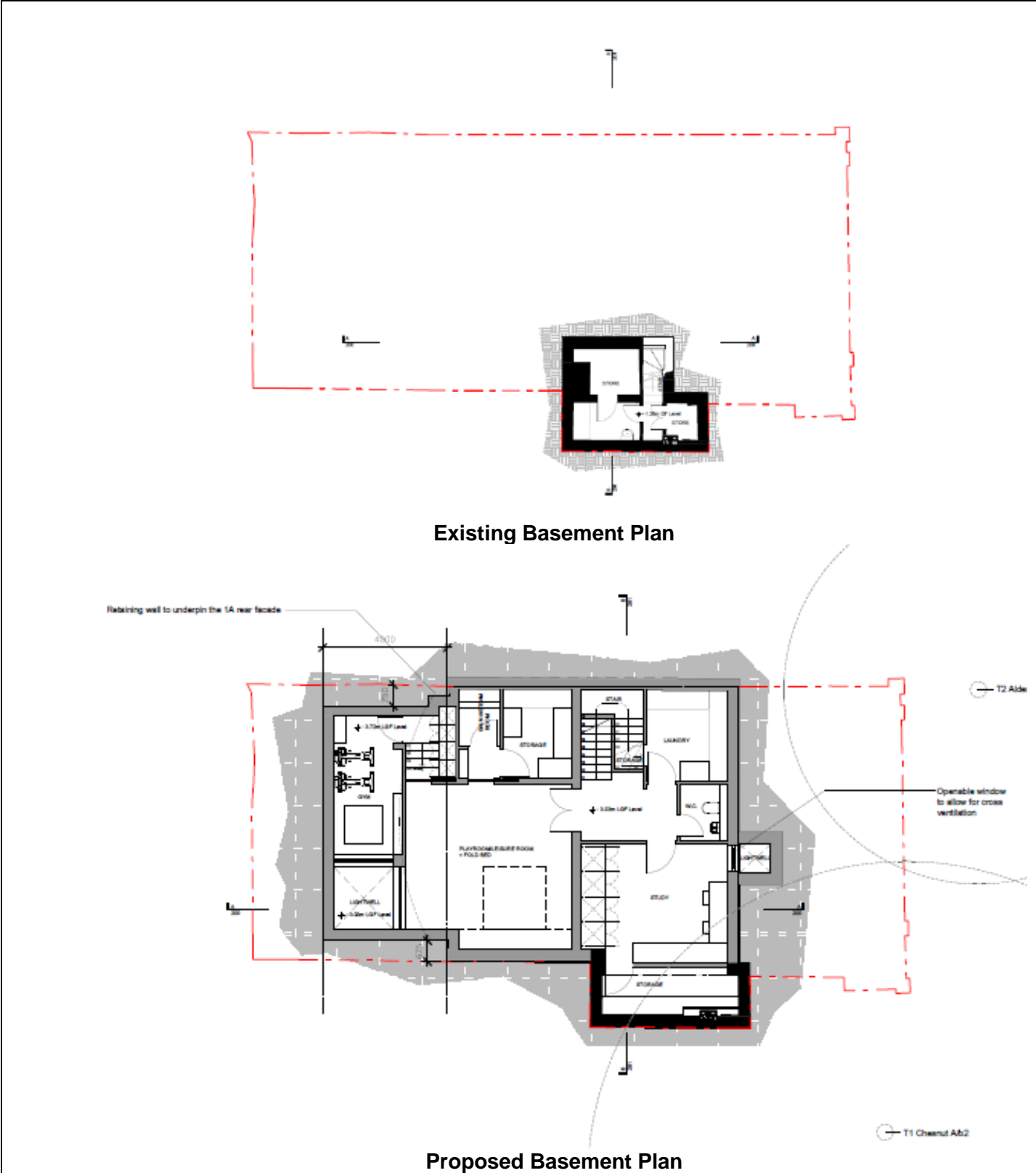
Whilst recognising the concerns raised by the objectors, the proposal is considered acceptable in design & conservation, highways, flood risk, arboricultural, sustainability and amenity terms.

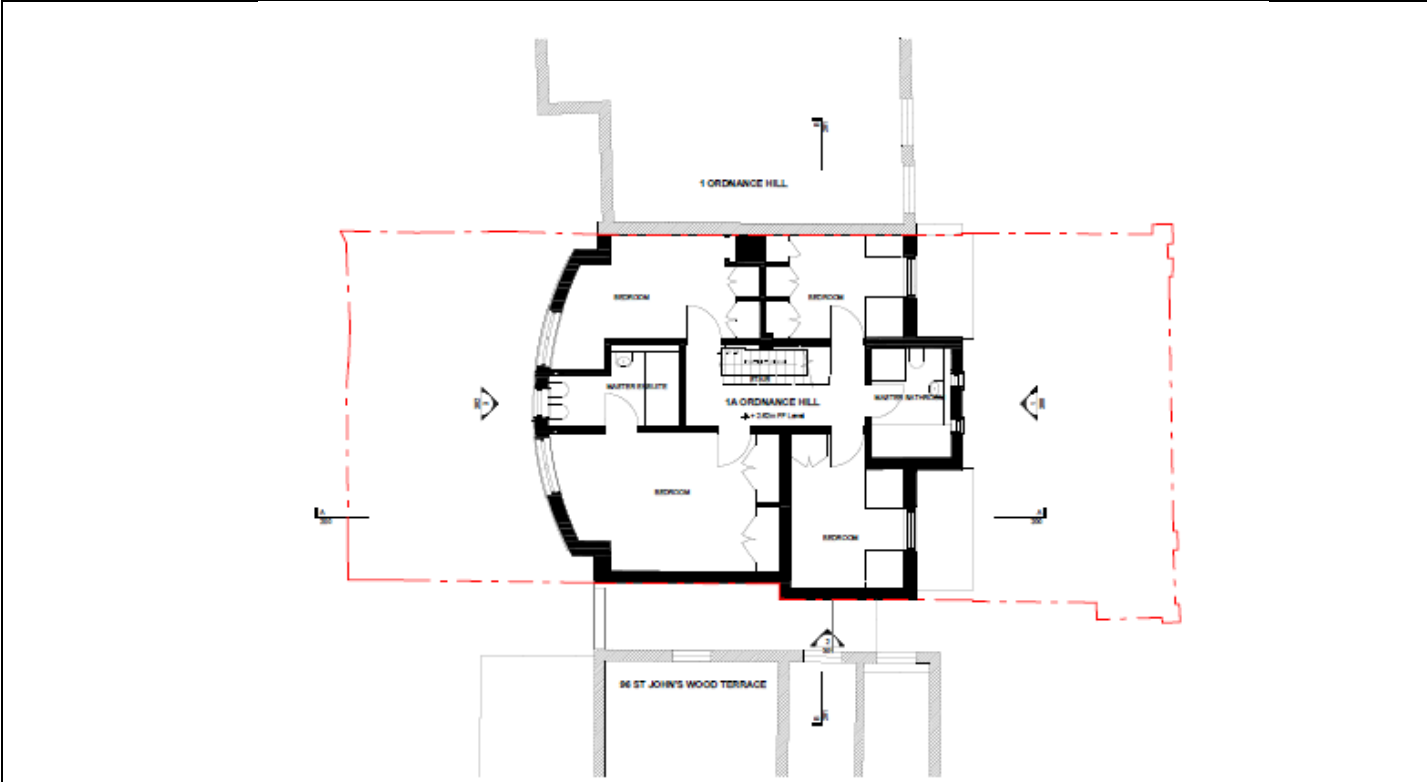
(Please note: All the application drawings and other relevant documents and

Background Papers are available to view on the Council's website)

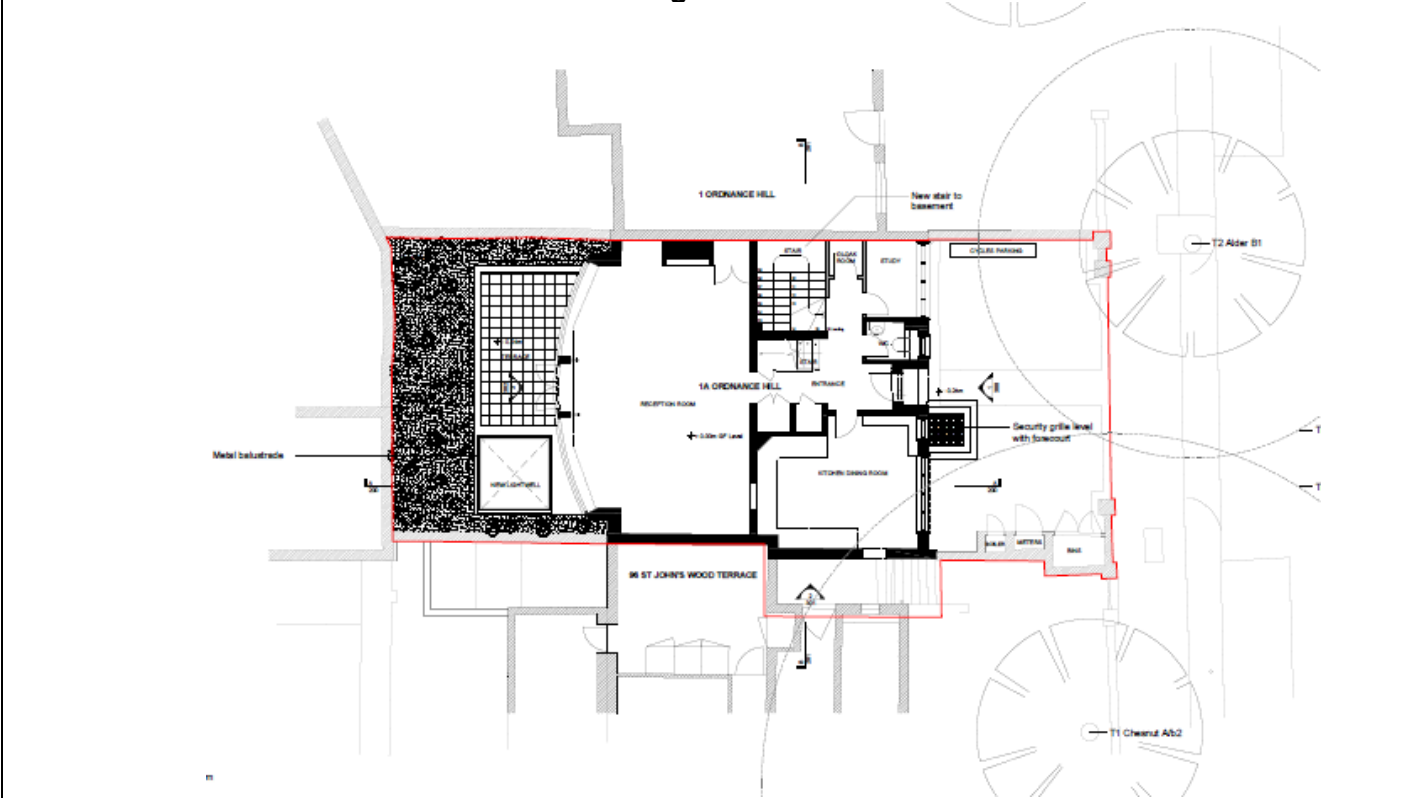
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: IAN CORRIE BY EMAIL AT icorrie@westminster.gov.uk
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11. KEY DRAWINGS

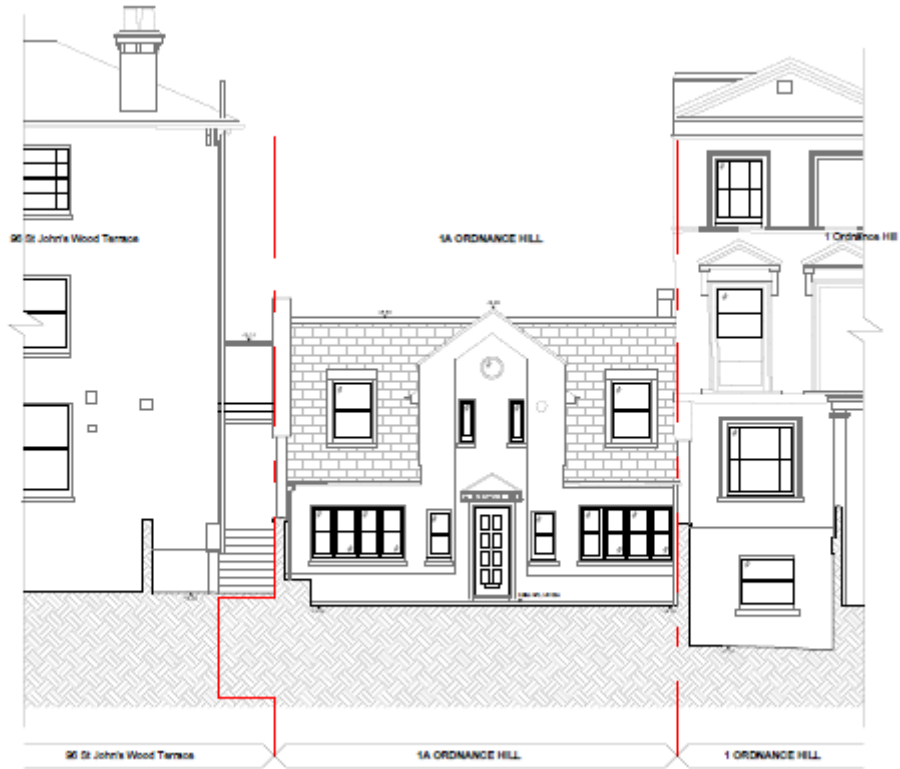




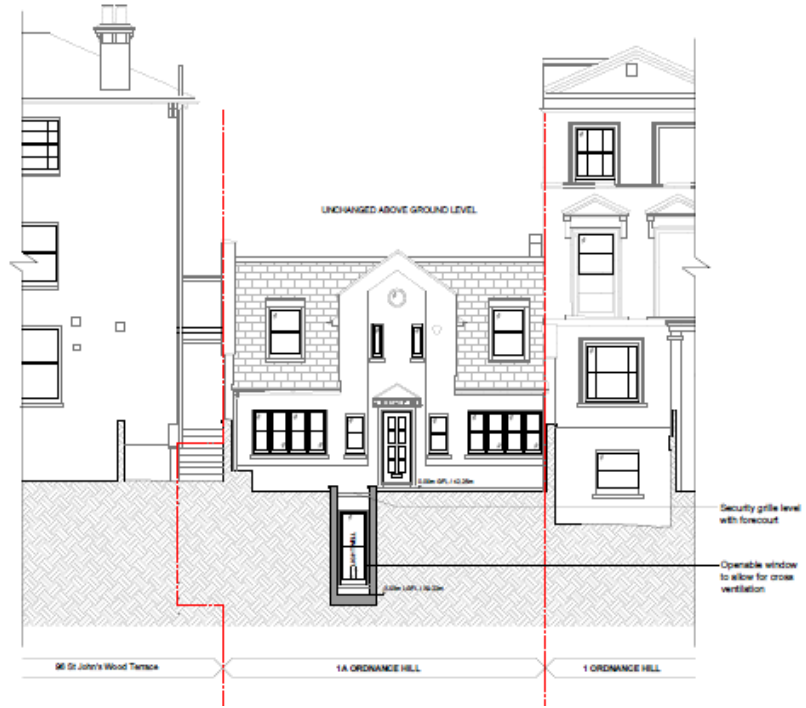
Existing Ground Floor Plan



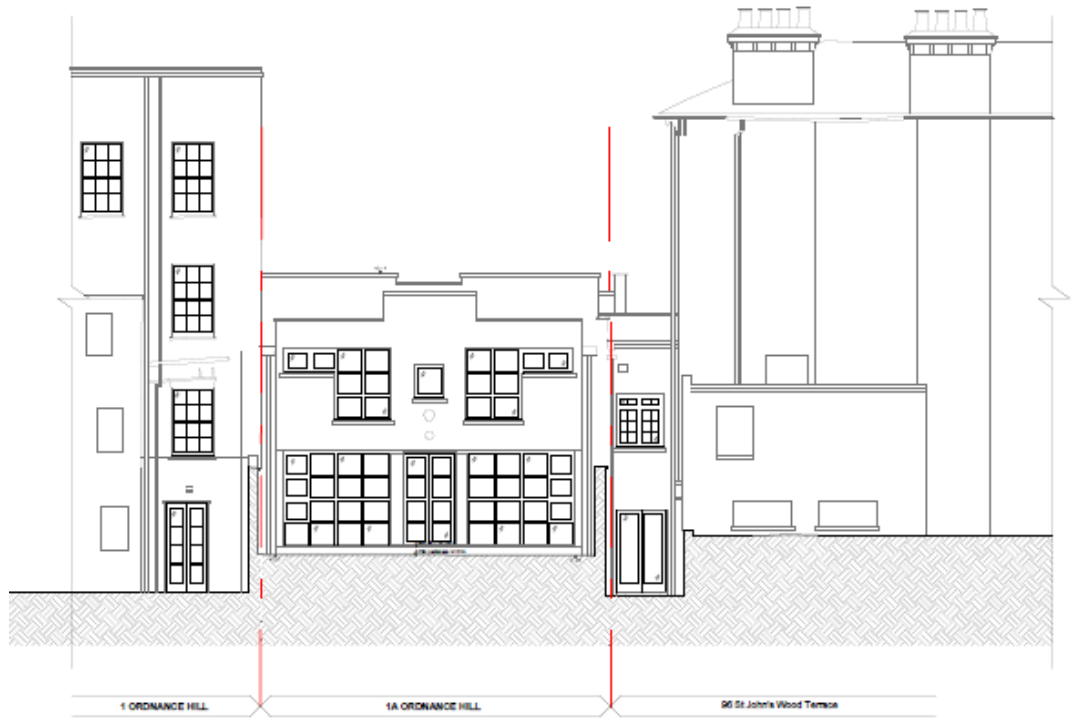
Proposed Ground Floor Plan



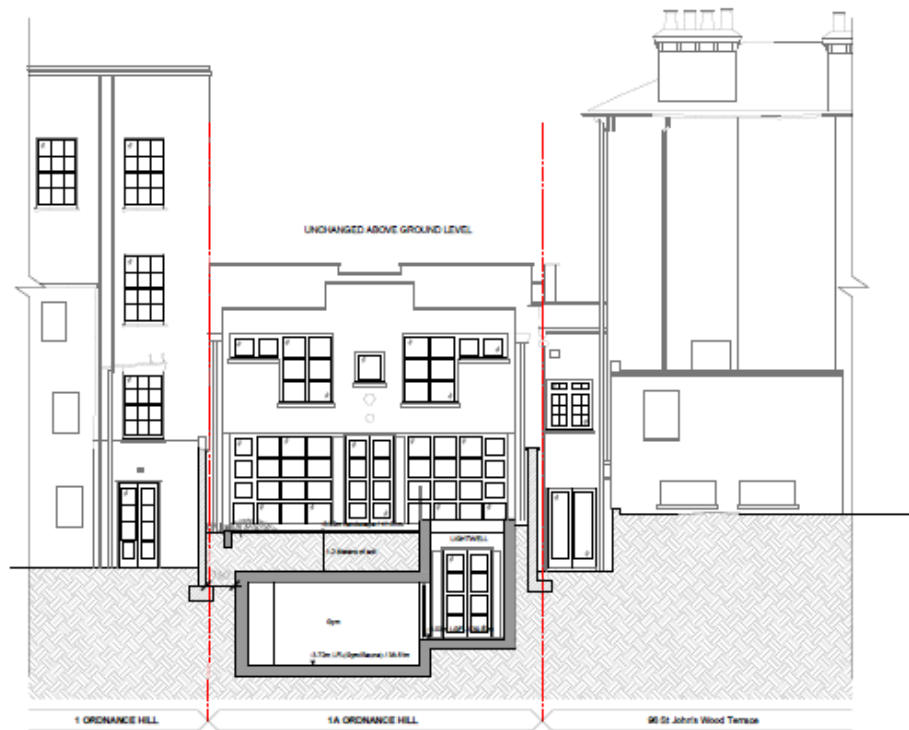
Existing Front Elevation



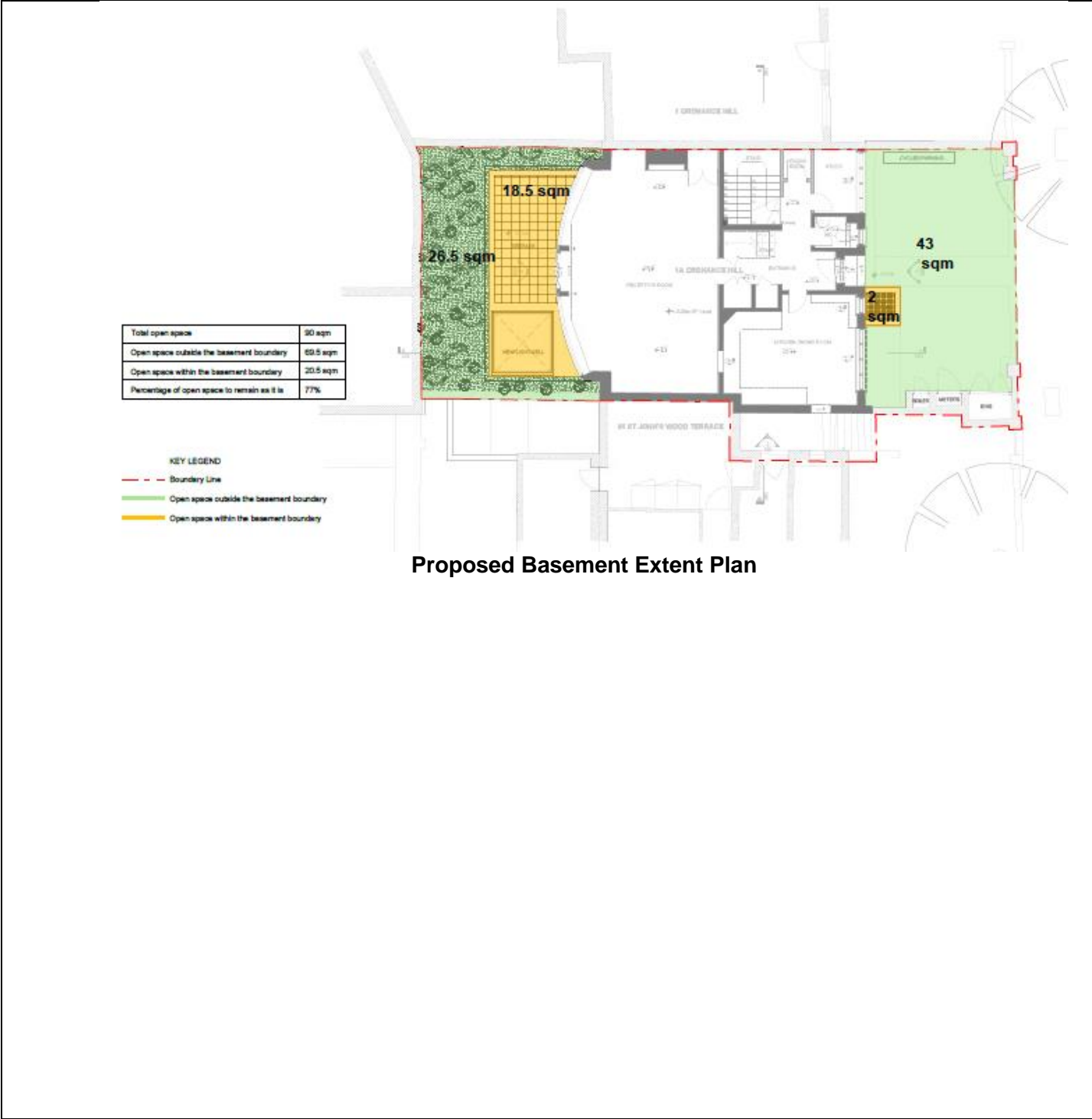
Proposed Front Elevation



Existing Rear Elevation



Proposed Rear Elevation



DRAFT DECISION LETTER

Address: Garden House, 1A Ordnance Hill, London, NW8 6PR

Proposal: Excavation of a basement beneath building and part of rear garden, incorporating lightwells to front and rear plus associated landscaping to rear (part-retrospective).

Reference: 22/00407/FULL

Plan Nos: X-090, X-100, X-110, X-120, X-200, X-201, X-300, X-301, P-090 REV E, P-100 REV E, P-110, P-120, P-200 REV A, P-201 REV E, P-300 REV B, P-301 REV C, P-150 REV D, Tree Protection Plan dated August 2022, Arboricultural Method Statement by Landmark Trees (KSR/1aOH/AMS/01) dated 8 August 2022 .

Case Officer: Alex Jones **Direct Tel. No.** 020 7641 07866
036268

Recommended Condition(s) and Reason(s)

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

Reason:

For the avoidance of doubt and in the interests of proper planning.

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:
 - o between 08.00 and 18.00 Monday to Friday;
 - o between 08.00 and 13.00 on Saturday; and
 - o not at all on Sundays, bank holidays and public holidays.

You must carry out piling, excavation and demolition work only:

- o between 08.00 and 18.00 Monday to Friday; and
- o not at all on Saturdays, Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

3 **Pre Commencement Condition.** Prior to the commencement of any:

- (a) demolition, and/or
- (b) earthworks/piling and/or
- (c) construction

on site you must apply to us for our written approval of evidence to demonstrate that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of the relevant completed Appendix A checklist from the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Sciences Team, which constitutes an agreement to comply with the Code of Construction Practice and requirements contained therein. Commencement of the relevant stage of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval through submission of details prior to each stage of commencement. (C11CD)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

- 4 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the St John's Wood Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 5 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes the number, size, species and position of trees and shrubs. You must not start work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the landscaping and planting within 6 months of completing the development (or within any other time limit we agree to in writing).

If you remove any trees that are part of the planting scheme that we approve, or find that they are dying, severely damaged or diseased within 3 years of planting them, you must replace them with trees of a similar size and species. (C30CC)

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of this part of the St John's Wood Conservation Area, and to improve its contribution to biodiversity and the local environment. This is as set out in Policies 34, 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R30CE)

- 6 You must protect the trees according to the details, proposals and recommendations set out in the Arboricultural Method Statement by Landmark Trees (KSR/1aOH/AMS/01) dated 8 August 2022 and the Tree Protection Plan dated August 2022. If you need to revise any of these details, you must apply to us for our approval of the revised details, and you must not carry out work to the relevant part of the development until we have approved what you have sent us. You must then carry out the work according to the approved details.

Reason:

To protect the trees and the character and appearance of this part of the St John's Wood Conservation Area. This is as set out in Policies 34, 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R31DD)

- 7 The rear terrace at ground floor level shall be constructed using porous material and retained as such thereafter

Reason:

To alleviate and manage surface water flood risk. This is as set out in Policy 35 of the City Plan 2019 - 2040 (April 2021).

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

- 2 HIGHWAYS LICENSING:, Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please visit our website at www.westminster.gov.uk/guide-temporary-structures.

CONSIDERATE CONSTRUCTORS:, You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.

BUILDING REGULATIONS:, You are advised that the works are likely to require building regulations approval. Details in relation to Westminster Building Control services can be found

on our website at www.westminster.gov.uk/contact-us-building-control

- 3 With reference to condition 3 please refer to the Council's Code of Construction Practice at (www.westminster.gov.uk/code-construction-practice). You will be required to enter into an agreement with the Council appropriate to this scale of development and to pay the relevant fees prior to starting work.

Your completed and signed Checklist A (for Level 1 and Level 2 developments) or B (for basements) and all relevant accompanying documents outlined in Checklist A or B, e.g. the full Site Environmental Management Plan (Levels 1 and 2) or Construction Management Plan (basements), must be submitted to the City Council's Environmental Inspectorate (cocp@westminster.gov.uk) **at least 40 days prior to commencement of works** (which may include some pre-commencement works and demolition). The checklist must be countersigned by them before you apply to the local planning authority to discharge the above condition.

You are urged to give this your early attention as the relevant stages of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval of each of the relevant parts, prior to each stage of commencement.

Where you change your plans after we have discharged the condition, you must re-apply and submit new details for consideration before you start work. Please note that where separate contractors are appointed for different phases of the project, you may apply to partially discharge the condition by clearly stating in your submission which phase of the works (i.e. (a) demolition, (b) excavation or (c) construction or a combination of these) the details relate to. However please note that the entire fee payable to the Environmental Inspectorate team must be paid on submission of the details relating to the relevant phase., , Appendix A must be signed and countersigned by the Environmental Inspectorate prior to the submission of the approval of details of the above condition.

- 4 This permission is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.
- 5 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice and to apply online please visit www.westminster.gov.uk/suspensions-dispensations-and-skips.

Item No.
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Please note: the full text for informatives can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.