

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 10 May 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Knightsbridge And Belgravia	
Subject of Report	Kensington Gardens, Serpentine Road, London, W2 2UH		
Proposal	Erection of a single storey building and relocation of 4 No. existing shipping containers to provide upgraded General Maintenance facilities.		
Agent	Mr Darren Woodward		
On behalf of	The Royal Parks		
Registered Number	15/07493/FULL	Date amended/ completed	9 September 2015
Date Application Received	13 August 2015		
Historic Building Grade	Grade I Registered Park and Garden of Special Historic Interest		
Conservation Area	Royal Parks		

1. RECOMMENDATION

Refuse permission – impact on historic landscape character of Kensington Gardens (Grade I Registered Park) and the setting of Hyde Park (Grade I Registered Park), the character and appearance of the Royal Parks Conservation Area and the setting of the Serpentine Sackler Gallery (Grade II* listed building).

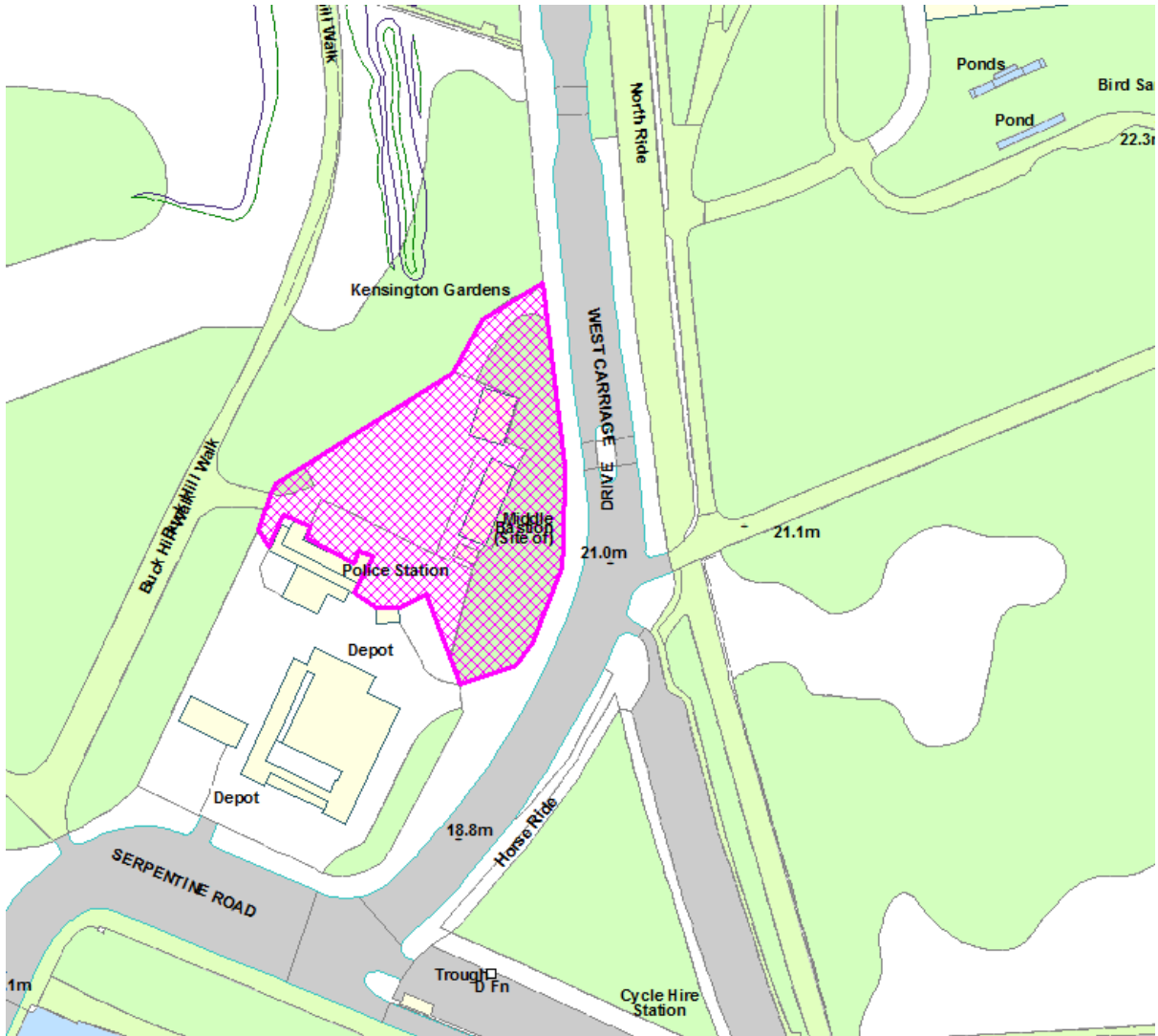
2. SUMMARY

The application site is the existing Store Yard north of the Serpentine Sackler Gallery within Kensington Gardens. It is within both the Grade I Registered Park and the Royal Parks Conservation Area and is within the setting of the Grade II* listed Serpentine Sackler Gallery (formerly The Magazine). It is used for a range of storage, staff welfare and nursery functions ancillary to the management of Kensington Gardens and Brompton Cemetery and public open spaces.

Permission is sought for the erection of a single-storey building following the demolition of an existing modern stable building, and the relocation within the site of four of the existing (unauthorised) shipping containers, for general park storage, office, welfare and training facility.

The application is recommended for refusal because of the visual impacts that the proposed new single-storey building and the proposed permanent retention of shipping containers would have on the verdant open spatial character of the park, and their negative relationship with the historic Bastion Wall.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Photograph 1 (above): Existing stable building to be demolished (from within site)



Photograph 2: Existing stable building to be demolished and its relationship with the Bastion Wall (from Western Carriage Drive)



Photograph 3: The site from the footpath to the south-west

DRAFT

5. CONSULTATIONS

Historic England

No comment.

Garden History Society

Any response received to be reported verbally.

Knightsbridge Association

No objection.

Arboricultural Manager

No objection subject to condition to protect trees during building works.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 0

Total No. of replies: 0

No. of objections: 0

No. in support: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is located on the western edge of Kensington Gardens where it adjoins Hyde Park at the Western Carriage Drive. It is located immediately north of the Serpentine Sackler Gallery, formerly the Magazine, and is now used as a general park maintenance depot for the management of Kensington Gardens and Brompton Cemetery. A separate depot and yard exists just to the east of this site within Hyde Park for the separate management of Hyde Park.

Kensington Gardens is a Grade I Registered Park of international significance. Similarly Hyde Park, which immediately adjoins the application site, is also a Grade I Registered Park. The Park Office (a former Police Station) which is within the yard is an unlisted building of merit whilst the Serpentine Sackler Gallery to the south is Grade II* listed. To the eastern edge of the site and visible from West Carriage Drive, is the remains of the old Bastion Wall, an historic ha-ha which historically marked the edge of Kensington Gardens. Whilst not listed, it is a feature of considerable historic interest and contributes positively to the landscape character of the park.

The yard is surrounded on all sides by mature but generally low shrubbery and sporadic trees of varying sizes and ages; amongst this generally effective vegetative screening are occasional but notable gaps which provide some views into the yard from the public road and footpaths which are well used to all sides. To the south the yard's edge is formed by the Park Office, whilst to the north-west a small plant nursery contains the site. The eastern flank of the site is occupied by a modern (approximately 20+ years old) former stable building which is now used for storage. It is this building which would be replaced by the new single-storey building. Whilst it is unattractive and of an off-the-shelf utilitarian

design, it is relatively small and low in scale, measuring 3.4m to the apex of the roof (2.4m to eaves), 18.8m long by 4.4m deep (plus a 1.2m roof overhang to the front). It causes a small degree of harm to the historic landscape character of the park as existing, but does not particularly harm the setting of the nearby listed buildings. It slightly harms the setting of the Bastion Wall which it is built close to.

To the centre of the site are a number of shipping containers and portacabins used for general storage and offices; some of these are two storeys tall and can be clearly seen from the surrounding roads and footpaths over the site's vegetative screening. They are harmful to the landscape character of the park, and harm the setting of the listed buildings. They are understood to have been installed following the conversion of the Magazine into the Serpentine Sackler Gallery which was formerly used for these functions and opened as a gallery in 2013. No planning permission exists for them.

The site has three vehicular accesses: to the south-east, north-east and south-west corners. All of these create gaps in the site's vegetative screening to varying degrees.

The key gap in the site's vegetative screening of relevance to this application is that immediately east of the existing stable building, which appears to be designed to preserve visibility of the Bastion Wall from West Carriage Drive. This causes the existing building which is proposed to be demolished and occupies the same site as the proposed new single-storey building, to be notably visible through this quite broad gap. The rear wall of the existing stable building, which is set at a slight angle to the Bastion Wall, is partially screened by a clipped evergreen hedge, although this does not screen the roof of the building and is not in keeping with the more informal parkland type planting that otherwise characterises the site's vegetative screening.

To the south of this gap another application-relevant gap is formed by the pedestrian walkway which weaves through some lower level planting; this also allows visibility of the application site from West Carriage Drive, although the existing stable building, being smaller, is not currently obtrusive in this view.

6.2 Recent Relevant History

11/01986/FULL

Partial demolition of the Magazine Storeyard; internal and external alterations including erection of extensions to rear and western elevations; excavation of basement; new skylights and mechanical plant at roof level; all in association with use of building as gallery and exhibition space (Class D1) with ancillary social space including restaurant/cafe. Pedestrian and vehicular access, provision of one disabled parking space, cycle parking and works of hard and soft landscaping.

Application Permitted 16 June 2011

11/01987/LBC

Partial demolition of the Magazine Storeyard; internal and external alterations including erection of extensions to rear and western elevations; excavation of basement; new skylights and mechanical plant at roof level; all in association with use of building as gallery and exhibition space (Class D1) with ancillary social space including restaurant/cafe. Pedestrian and vehicular access, provision of one disabled parking space, cycle parking and works of hard and soft landscaping.

Application Permitted

16 June 2011

7. THE PROPOSAL

It is proposed to demolish the existing modern stable building and replace it for a larger multi-purpose building providing staff welfare, training and office spaces. It is also proposed to retain and relocate a number of the existing containers adjacent to this new building, and to carry out some associated works to the layout of parking and yard walls adjacent to the Park Office. No changes are proposed to the site's vehicular or pedestrian accesses, nor is any change proposed to the existing use of the site which would remain ancillary to that of the Park.

The proposed new building is notably larger than the existing stable building, standing at 3.9m tall (3.4m to eaves) and with a rectangular plan measuring 20m by 10m. The footprint, including the covered area to the front, would be approximately 200m². The gross internal floor area would be 158m².

The building has a modern design with a shallow-pitched dark grey metal roof edged with a black aluminium fascia. The walls would be clad in horizontal timber boarding painted Royal Parks Green although the submitted elevations suggest a different material above, beneath the deep projecting eaves of the roof. Windows would aluminium and doors timbers, both finished black.

The four relocated shipping containers would be arranged over a single level in a row immediately north but slightly set forward (westward) of the main proposed building's front wall line. The containers would be a standard 2.6m high and combined would have a roughly square planform measuring 9.7m by 9.1m (89m² in area).

The new building would occupy roughly the same plot as the existing modern stables but being larger would sit notably closer to the Bastion Wall than the existing – at its closest point this would be just 80cm, although the building's foundations are likely to project a further 15 to 30cm closer under the ground (subject to building regs).

8. DETAILED CONSIDERATIONS

8.1 Land Use

Policy ENV14 'Metropolitan Open Land' and ENV15 'Public and Private Open Space' of the UDP and Policy S11 of the City Plan 'Royal Parks' aim to protect the Royal Parks from inappropriate development and activity. Policy S11 states that developments will only be allowed where they are essential and ancillary to maintaining or enhancing the value of the park as open space, and do not harm the park's open landscape character; heritage value; nature conservation value; tranquillity; or value as public open space.

The provision of new, upgraded accommodation for park maintenance staff is considered acceptable in principle. The site is currently used for grounds maintenance purposes in association with The Royal Parks and the proposed development will not change the principle use of the site.

8.2 Townscape, Landscape and Design

When determining applications affecting the setting of a listed building or for development within a conservation area, the decision-maker is required by Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special regard / attention to the desirability of preserving the setting of the listed building, and of preserving or enhancing the character and appearance of the conservation area.

Sections 7 and 12 of the NPPF require that great weight be placed on design quality and on the preservation of designated heritage assets. Paragraph 133 makes it clear that 'substantial harm' must only be approved in exceptional circumstances in return for substantial public benefits and subject to various tests. Paragraph 134 meanwhile requires a similar but proportionate assessment of 'less than substantial harm' against public benefits; 'less than substantial' should not be confused with 'acceptable'.

Together the above statutory and national policy basis equates to a strong presumption against harm, which may only be permitted if the harm caused would be significantly and demonstrably outweighed by public benefits which could only be achieved through allowing that harm.

Locally, UDP Policies DES 1 (urban design / conservation principles), DES 9 (conservation areas), DES 10 (listed buildings) and DES 12 (parks) apply to the consideration of the application proposals, whilst S25 and S28 of the City Plan provide the strategic basis for the application.

No Conservation Area Audit has been carried out for the Royal Parks. Relevant guidance however exists within the council's, 'Historic Parks and Gardens' SPG (1996), 'Design Matters in Westminster' SPG (2001), and 'Development and Demolition in Conservation Areas' SPG (1996).

Policy DES 12 of the Unitary Development Plan (UDP) has a general presumption against development within the Royal Parks. This is a necessarily restrictive position which is intended to safeguard the parks' open sylvan landscape qualities which may otherwise be highly pressurised by their Central London location. Development should only be granted where it is essential and ancillary to the maintenance of the park. In this case the site is part of a long established maintenance yard ancillary to the primary function of Kensington Gardens as a public park. The yard is accepted as being essential to the park's functions and the centralisation of these functions into one main yard is preferable to lots of smaller yards spread throughout the park. The demolition of the existing stable building is welcomed in principle, subject to the comparative design merits and heritage impacts of the proposed replacement.

The relocation and reduction of the existing shipping containers within the site, particularly where they are double-stacked, would in principle reduce the visual harm which they currently cause to the historic landscape character of the park and to the setting of the listed buildings. However, it is noted that they do not have the benefit of planning permission and should therefore be removed regardless of this application. Their

relocation within the site should therefore not be given any weight as compensation for harm which might be otherwise caused by the wider application proposals.

The proposed new building would be a simply designed modern building, but is not otherwise designed to respond specifically to what is a unique and challenging landscape context. The specification of timber boarding and a metal roof over a basic rectangular planform is unrelated to this site, and does not mitigate its position visible from West Carriage Drive.

The design approach of a low profile roof is commended in principle but is again generic and flawed by its nevertheless notable height compared with the existing (a 40% increase in the eaves height as seen from West Carriage Drive). Its 20m long rear flank exposed to the gaps in vegetation which provide visibility from West Carriage Drive would be notably broader, taller and closer to view than the existing building.

The new building would be notably visible over the existing planting around the site, and in particular through the gaps formed around the Bastion Wall and around the pedestrian access. It is likely also that there would be some visibility from the west over the tops of the nursery and its screen planting.

The relationship of the new building with the historic Bastion Wall is particularly poor, being at the closest point just 80cm away which would prevent meaningful or appropriate screen planting to be grown without also screening the Bastion Wall from view. This proximity would crowd the space around the wall and so would harm its appreciation as an historic ha-ha.

The proposals also include the relocation of four of the unauthorised shipping containers to the north of the new building. Whilst the visibility of these is likely to be notably secondary to that of the replacement single-storey building, their appearance is significantly unattractive in this landscape context, so their permanent retention on the site would not be acceptable. Their need also demonstrates that the main building proposed is not itself fit for purpose and does not therefore demonstrate that the proposals submitted are a long-term solution to the needs of the parks.

Whilst the need for a new building on the site is accepted, it is not accepted that this needs to be of this size, design or in the position shown. Alternative designs and locations within the site have been sought by officers in the expectation that some form of new building, potentially larger than the existing, might prove acceptable, but the applicant has declined to consider this invitation.

Whilst the proposed design approach might have some logic in terms of avoiding an overtly designed bold new building, the submission provides no real analysis of the site's constraints or opportunities which are likely to reveal better alternatives. Comparable schemes by the same applicant for other park buildings have shown exemplary levels of consideration and innovation in terms of design, including screening with new banking (so not reliant upon the uncertainty of vegetative planting) and/or careful positioning to exploit key angles from the public realm. In particular, forming a tight cluster of buildings with the Park Office is considered to be a key option which has not been considered. Instead the proposal submitted picks a position on the site which is likely to be the most exposed possible, and close to one of its key features, the Bastion Wall. It spreads the built

development within the yard to its widest extent rather than containing it more tightly well within the site.

For the above reasons it is considered that the application proposals would cause less than substantial harm to the landscape character of the Kensington Gardens, the setting of Hyde Park and the character and appearance of the Royal Parks Conservation Area, and to the setting of the adjacent listed Serpentine Sackler Gallery and the unlisted Bastion Wall. The NPPF is clear that where such harm is caused, it should be balanced against the public benefits that the proposals would bring (Paragraphs 134 and 135), and this should reasonably include consideration of mitigation measures and whether the proposals are the minimum required to enable those benefits.

The opportunities for mitigation through screen planting are restricted by the proposed new building's close position to the Bastion Wall and existing edge planting. Only inappropriate planting could be achieved within the given space. Furthermore it should always be remembered that the reliance upon vegetative screening is a poor approach, as it can be both added to and removed without any formal control, and it can also die off or be pruned in ways that would reduce its impact. Trees and shrubs have a clear roll to play in this site of course, but they should not be relied upon to make an otherwise unacceptable proposal acceptable.

The explanation given for the need for this specific proposal is simply that it is required for the functioning of Kensington Gardens and Brompton Cemetery, which would in principle be a planning benefit of some value (the long term maintenance of the historic parkland). It has not however been adequately explained why expansion could not be considered more cohesively with Hyde Park which operates an entirely separate facility providing the same range of functionality only 300m to the east. Whilst it is understood that the two parks are managed separately, and this is not a planning consideration, no explanation has been given about why some sharing of space can not be achieved considering the two parks are ultimately part of the same organisation and have identical primary functions. Such an approach may well reduce the pressure on this particular site for a building of such size, or it may overcome the issues which are currently requiring the retention of the unauthorised containers.

8.3 Residential Amenity

There are no residential amenity issues associated with the application due to the absence of residential uses nearby.

8.4 Transportation/Parking

The proposals include no alterations to the existing vehicular or pedestrian accesses to the yard.

The proposals include for a re-arrangement of parking adjacent to the Park Office, with an increase in spaces from seven to ten ordinary spaces, no change to disabled spaces, and a space for charging an electric park buggy. A new cycle rack is also shown. New cycle spaces would be white-lined along with a new walkway lining.

Adjustments are also proposed to the western gate within the site.

Whilst an increase in staff parking would not normally be supported for sustainability reasons, this increase is only slight and could be achieved without the need for planning permission (simply through the indicated white-lining). As such it is considered to be acceptable on this occasion.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size.

8.6 Access

There are no accessibility issues associated with the application.

8.7 Trees and Ecology

The Council's Tree Manager has confirmed that the submitted report by the applicants own Arboriculturalist is adequate to justify the limited impacts on notable trees within the site. It is also confirmed that the submitted Ecology Statement is adequate to demonstrate the limited potential impacts on protected species or the ecological value of the site, and puts forward a range of mitigation measures necessary as part of the development. If planning permission were to be approved, this report should be included as part of the approved documentation in order to secure the mitigation measures proposed.

8.8 Other UDP/Westminster Policy Considerations

None.

8.9 London Plan

This application raises no strategic issues.

8.10 National Policy / Guidance Considerations

The City Plan and UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF unless stated otherwise.

8.11 Planning Obligations

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

8.12 Environmental Impact Assessment

An Environmental Impact Assessment is not applicable for a development of this size.

9. BACKGROUND PAPERS

1. Application form
2. Historic England (Listed Builds/Con Areas) letter dated 8 October 2015
3. Knightsbridge Association letter dated 1st October 2015.
4. Arboricultural Manager memoranda dated 8th October and 13th November 2015.

Selected relevant drawings

(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 ANDREW BARBER ON 020 7641 7708 OR BY EMAIL AT SouthPlanningTeam@westminster.gov.uk

10. KEY DRAWINGS

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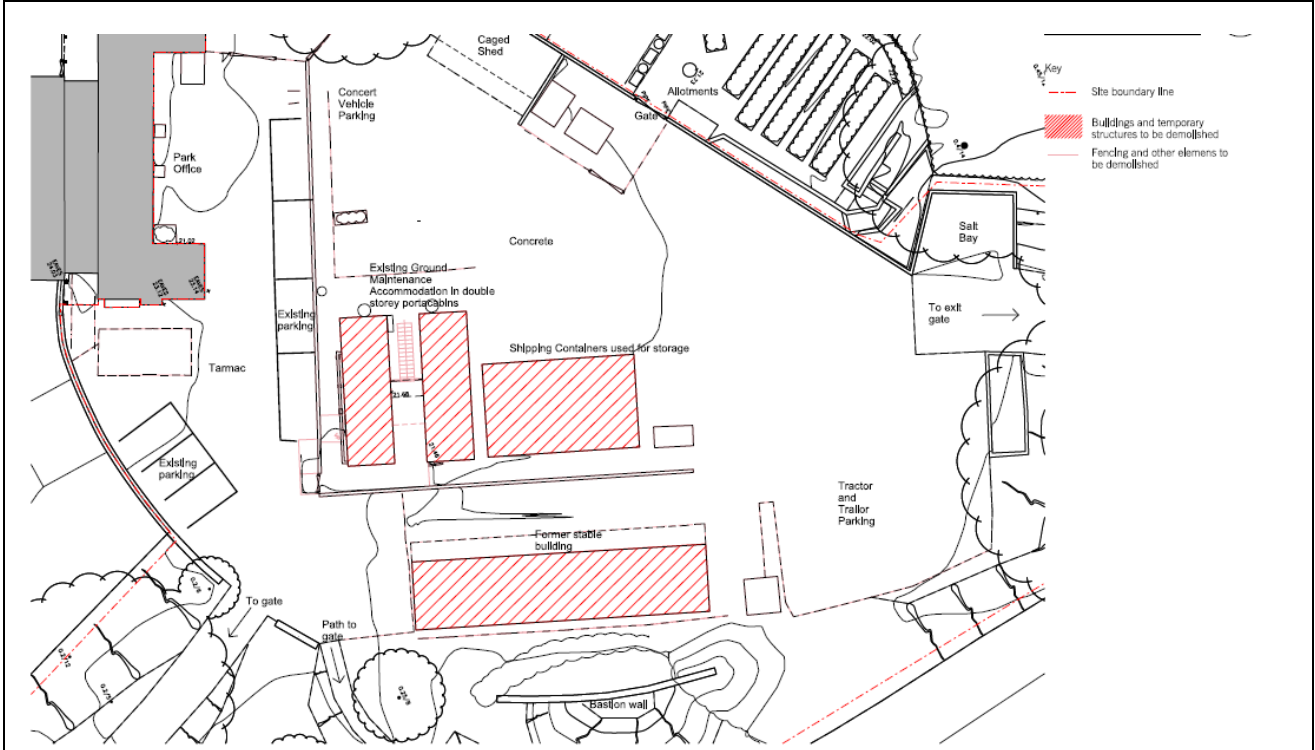


Figure 1: Existing Site Plan

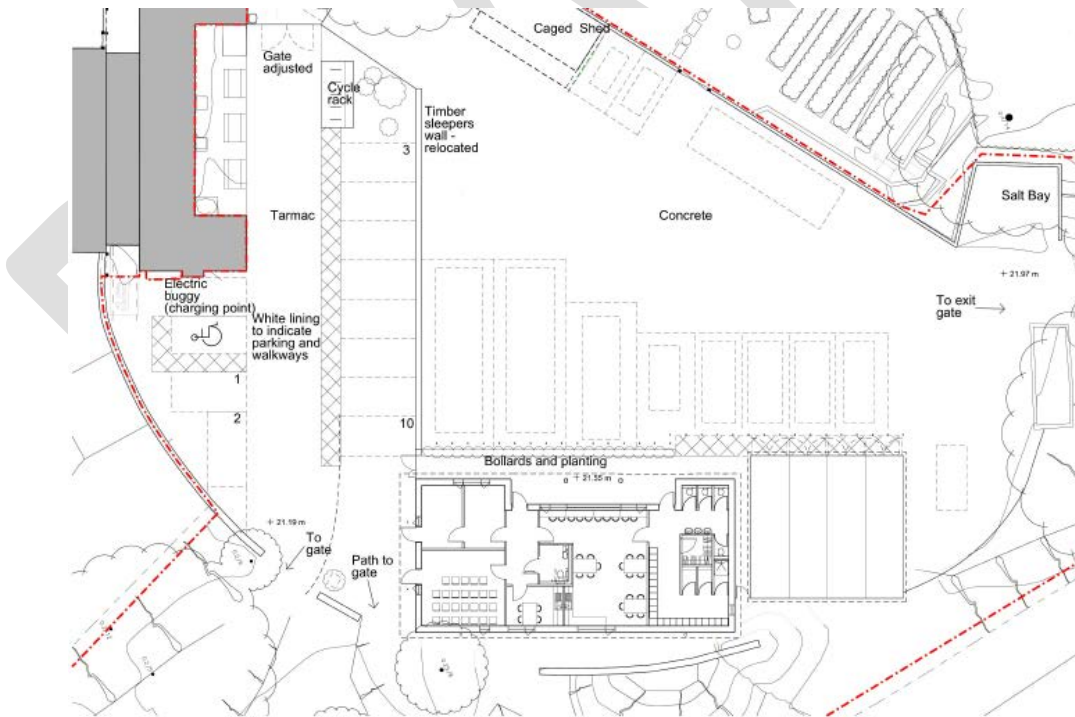


Figure 2: Proposed Site Plan

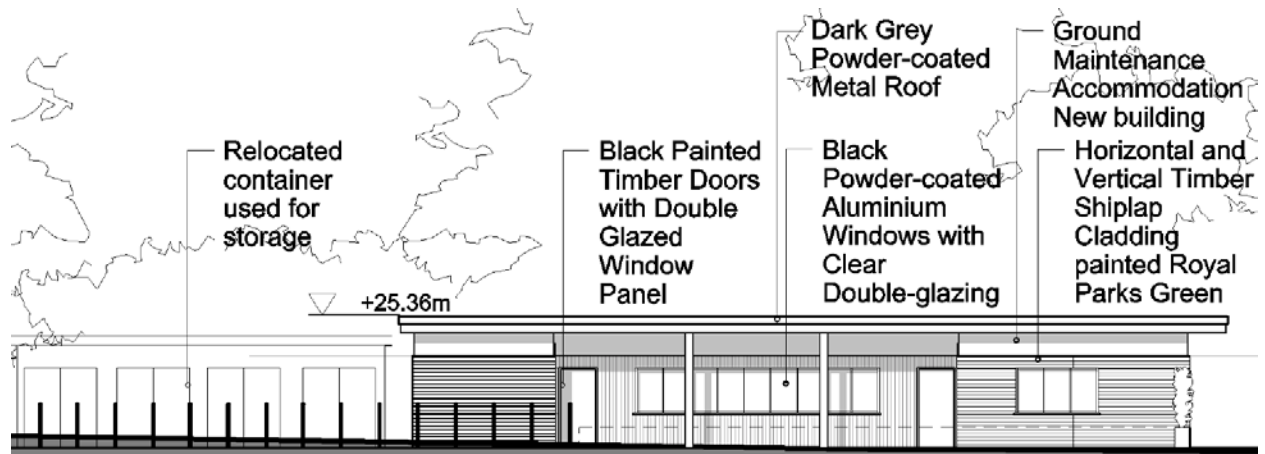


Figure 3: Proposed East (front) Elevation from yard, including containers to the left.

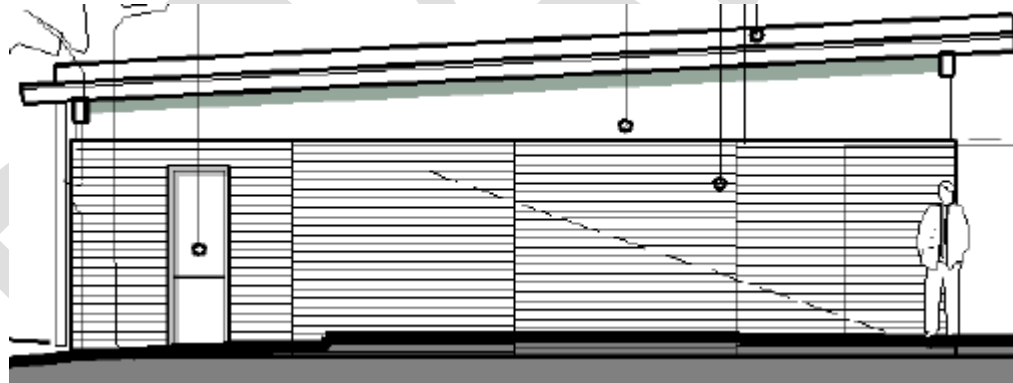


Figure 4: Proposed North (side) Elevation



Figure 5: Proposed South (side) Elevation, including section through Bastion Wall and its ditch.

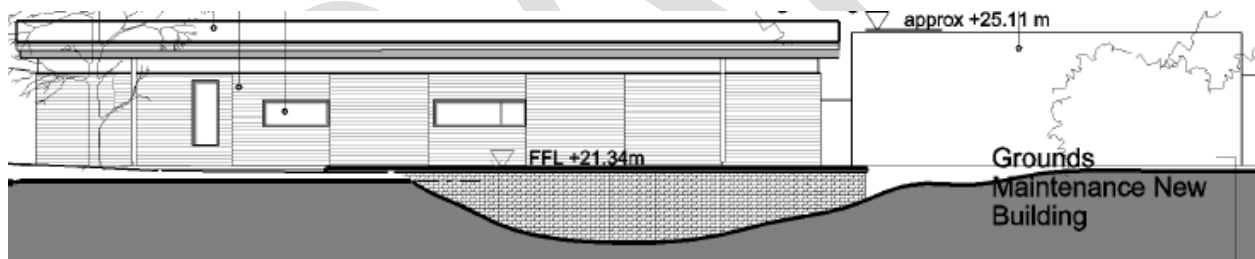


Figure 6: Proposed East (rear, facing Carriage Drive) Elevation, including containers to the right.

DRAFT DECISION LETTER

Address: Kensington Gardens, Serpentine Road, London, W2 2UH,

Proposal: Erection of a single storey building and relocation of existing 4no. shipping containers to provide upgraded General Maintenance facilities.

Reference: 15/07493/FULL

Plan Nos: 601-00-001-A; 601-00-002-A; 601-00-003-A; 601-00-004-A; 601-01-001-A; 601-01-002-A; 601-01-003-A; 601-01-005-A; 601-01-006-A; 601-01-007-A; KGSY01-ARB-TPP-REV-A; ARBORICULTURAL STATEMENT REV A.

For Information: David Morley Architects Design and Access Statement, Rev.A, August 2015; LUC Ecological Appraisal dated July 2015; Turley Planning Statement dated August 2015.

Case Officer: Andrew Barber

Direct Tel. No. 020 7641 7708

Recommended Reasons:

- Reason:
- 1 Because of its siting (including impact on the setting of unlisted buildings / structures of merit within the Registered Park and Conservation Area), scale and design, the proposed new single-storey building would harm the historic landscape character of Kensington Gardens and setting of Hyde Park (both Grade I Registered Parks), and would fail to maintain or improve (preserve or enhance) the character and appearance of the Royal Parks Conservation Area. This would not meet S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and Policies DES 1, DES 9 and DES 12 and paras 10.108 to 10.128, and 10.156 to 10.164 of our Unitary Development Plan that we adopted in January 2007. It would also be contrary to the requirements of the NPPF (Sections 7 and 12) in that it would cause less than substantial harm to these designated heritage assets which is not significantly or demonstrably outweighed by the scheme's public benefits. (X16AC)

Reason:

 - 2 Because of its siting, scale and design the proposed new single-storey building would harm the setting of the neighbouring grade II Star listed building now known as the Serpentine Sackler Gallery (formerly the Magazine). Similarly it would harm the setting of the Bastion Wall and former Park Office which are of individual architectural and historic interest in their own rights as non-designated heritage assets. This would not meet S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 10 (D) of our Unitary Development Plan that we adopted in January 2007. It would also be contrary to the requirements of the NPPF (Sections 7 and 12) in that it would cause less than substantial harm to these designated and non-designated heritage assets which is not significantly or demonstrably outweighed by the scheme's public benefits. (X20AB)

Reason:

 - 3 Because of their permanence, siting and design the proposed shipping containers would harm the historic landscape character of Kensington Gardens and setting of Hyde Park (both Grade I

Registered Parks), and would fail to maintain or improve (preserve or enhance) the character and appearance of the Royal Parks Conservation Area. This would not meet S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and Policies DES 1, DES 9 and DES 12 and paras 10.108 to 10.128, and 10.156 to 10.164 of our Unitary Development Plan that we adopted in January 2007. It would also be contrary to the requirements of the NPPF (Sections 7 and 12) in that it would cause less than substantial harm to these designated heritage assets which is not significantly or demonstrably outweighed by the scheme's public benefits. (X16AC)

Informatives:

- 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 so far as practicable. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition further guidance was offered to the applicant by the case officer to the applicant during the processing of the application to identify amendments to address those elements of the scheme considered unacceptable. However, the applicant chose not to accept those invitations to consider alternative schemes. Furthermore, the necessary amendments to make the application acceptable are substantial and would materially change the development proposal. They would require further consultations to be undertaken prior to determination, which could not take place within the statutory determination period specified by the Department of Communities and Local Government. You are therefore encouraged to consider submission of a fresh application incorporating the material amendments set out below which are necessary to make the scheme acceptable.

Required amendments:

- (a) Further historical and spatial analysis of the site and its surroundings;
- (b) Further analysis of the park's needs for a long-term staff and storage solution, including sharing of facilities with other sites within the applicant's control;
- (c) Consideration of alternative positions within the site including (but not exclusively) clustering with the Park Office;
- (d) Consideration of alternative design approaches, including landscaping.

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.