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| CITY OF WESTMINSTER | | | |
| PLANNING (MAJOR APPLICATIONS) SUB-COMMITTEE | Date 10 May 2022 | Classification For General Release | |
| Report of Director of Place Shaping and Town Planning | | Ward(s) involved West End | |
| Subject of Report | Grosvenor Square Gardens, Grosvenor Square, London, W1K 6LD | | |
| Proposal | <p>1. Alterations to Grosvenor Square Gardens, including redesign of the gardens, comprising of hard and soft landscaping improvements, works to trees (including tree removal and new planting), with new and realigned paths, paving and rills, new perimeter railings, new western entrance, new lighting and planting, the introduction of a shaded garden and wetlands, installation of plinths for the display of sculptures/artworks, informal play areas, the construction of buildings (gardeners hut, public WCs and educational building with catering facilities (sui generis)), external gardeners store, photo voltaic panels, structures, and associated works.</p> <p>2. Works to Franklin Delano Roosevelt Memorial (FDR): three openings to north walls to allow for levelled access and addition of a disabled access ramp to the statue plinth, removal of stone paved path and low level forecourt and replacement with raised stone-edged path and associated works.</p> | | |
| Agent | Gerald Eve LLP | | |
| On behalf of | Grosvenor Investments Ltd | | |
| Registered Number | 1. 21/08289/FULL and 2. 21/08290/LBC | Date amended/ completed | 4 December 2021 |
| Date Application Received | 4 December 2021 | | |
| Historic Building Grade | Grade II - the Roosevelt Memorial and the Eagle Squadron Memorial | | |
| Conservation Area | Mayfair | | |

1. RECOMMENDATION

Application 1:

1. Subject to referral to the Secretary of State for Levelling Up, Housing and Communities concerning the removal of the commemorative gates at the south entrance, grant conditional permission.

Application 2:

2. Grant conditional listed building consent.

3. Agree the reason for granting listed building consent as set out in Informative 1 of the draft decision letter.

2. SUMMARY

Grosvenor Square is the largest of the garden squares (1.79 ha) in Mayfair and provides a well-used and important recreational resource for the local community and visitors to the area. Following a long period of extensive public consultation, proposals have been submitted for a radical makeover of the gardens. These focus on the creation of two new garden areas within the square: the 'open oval garden' comprising a central oval-shaped lawn framed by a new footpath with integrated rill backed by a low, illuminated seating wall; and the surrounding 'shaded garden' with an arrangement of illuminated curving footpaths and paved 'social ovals'. The gardens would be enclosed with a new hedge inside new perimeter railings and entrance gates. The square's late 19th century external 'lozenge' planform would remain unchanged, as would the locations of all existing entrances, with a new entrance created on the west side, aligned with the former US Embassy (currently being redeveloped into a hotel).

There are a number of new structures proposed, including two new buildings on the south side of the garden and two canopied rainwater collection structures on the western side. New ponds with fountains are adjacent to the retained 9/11 Memorial Garden at the eastern edge of the gardens. There are also four designated areas for the future display of public art, and the introduction of a lighting and CCTV system.

All of the square's memorials would remain, except for the removal of the Diplomatic Gates (commemorating the signing of the Treaty of Paris) on the south side of the gardens, and their replacement with new hinged gates that match the proposed new boundary railing enclosing the square. The existing gates are modern, comprising a simple heritage-style design that does not specifically convey any association with the signing of the Treaty of Paris and their removal is considered to be acceptable, but this does require referral to the Secretary of State. The associated memorial plaque and inscribed paving stones commemorating the event would be lifted, repaired and re-laid in a similar position within the threshold of the widened southern entrance.

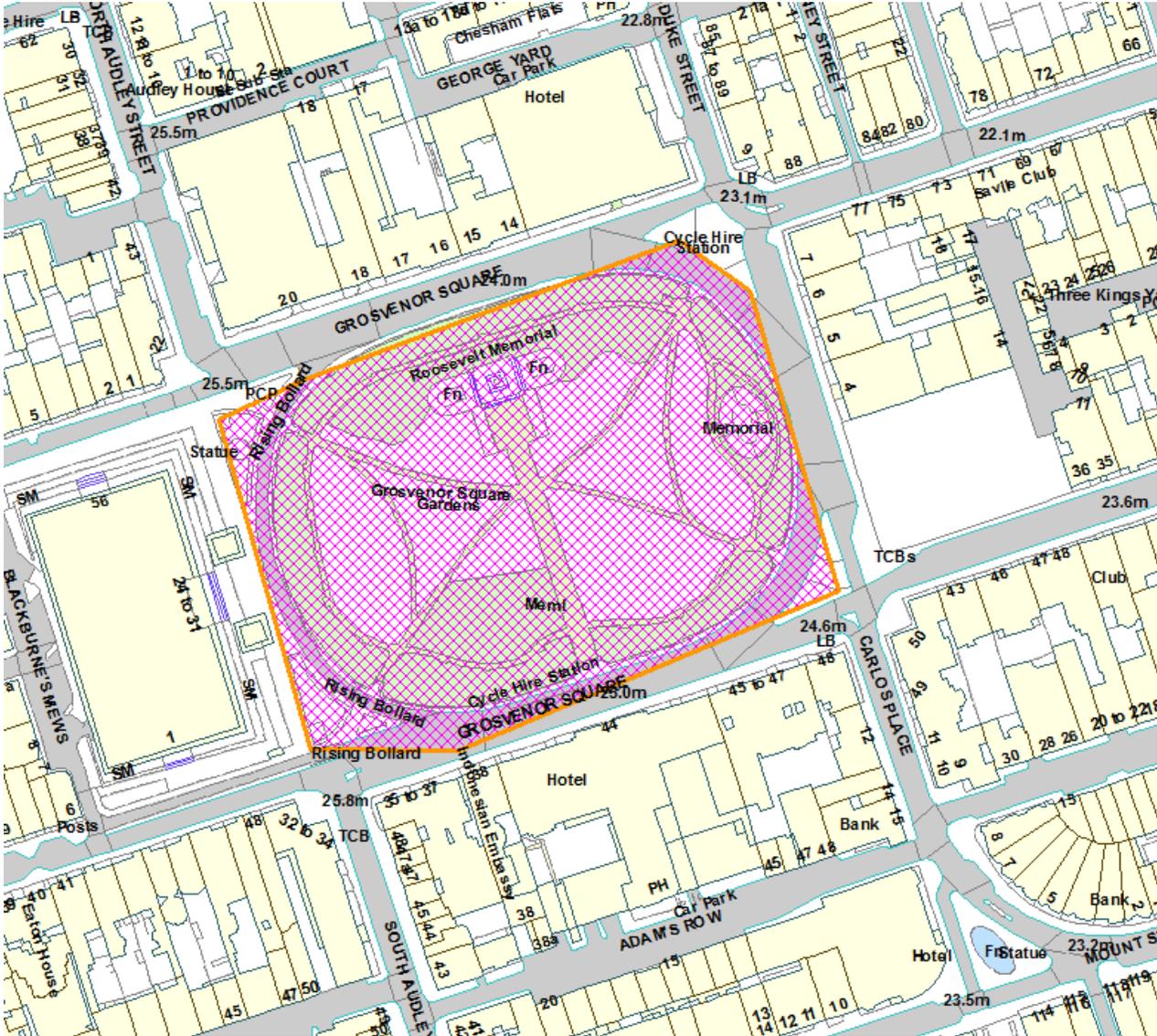
The proposals include retention and restoration of the Roosevelt statue's paved platform and associated fountains, with minor modifications to allow level access up to the statue and fountains, better integrating it into the new path network and improving accessibility. The statue's associated north south stone-paved axial path would be removed but stone edging would be laid across the proposed central oval lawn to denote its width and alignment, as a more subtle linkage with the Eagle Squadron Memorial to the south. The proposed development offers a package of public benefits, including some heritage benefits.

The key issues are considered to be:

- The radical redesign from a memorial-based garden to a modern contemporary urban;
- The harm to the significance of the registered park and garden and the Roosevelt Memorial;
- Aspects of the design including the perimeter railings and the replacement north-south axis;
- The potential harm to trees from construction works, and the removal of a tree of heaven;
- The introduction of the buildings, including a commercial activity;
- Implications for crime and security.

The proposals have given rise to a number of objections, including the London Gardens Trust and the Designing Out Crime Office; there are also a large number of representations in support of the alteration. Overall the scheme is considered to be acceptable, subject to a number of conditions, including a lot more detail that should address the crime and security concerns in particular.

3. LOCATION PLAN



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4. PHOTOGRAPHS

Looking north-east



Looking south-east



The south entrance and Diplomatic Gates



The Roosevelt Memorial



The north-south axial path (looking north)



5. CONSULTATIONS

HISTORIC ENGLAND

- Comments on the significance of Grosvenor Square as an influential early garden square and for its post-war memorial landscape;
- Have engaged in extensive pre-application discussions with the applicant and welcomes the work of the applicant to understand and recognise the significance of the registered landscape;
- Supports many aspects of the proposals to invest in its improvements and has no objection to the listed building application for works to the Roosevelt Memorial;
- However, believe that the proposed development would cause harm to the significance of the registered park and garden and the setting of the grade II listed Roosevelt Memorial due to the loss of hard landscape features that unite the overall composition of the post-war design and change in character from memorial landscape to contemporary urban garden square;
- Historic England assesses this harm as being in the lower half of the range of less than substantial harm, though still contrary to the intent of the NPPF's policies for the conservation of the significance of designated heritage assets;
- Also consider that the removal of the undesignated Diplomatic Gates would contribute to this harm but note that the associated plaque and stone inscriptions bearing the memorial text commemorating the signing of the Treaty of Paris would be retained within the threshold of the square's southern entrance;
- Advise that the Council, as decision maker, needs to be convinced that this harm is justified and outweighed by the public benefits, including heritage-related benefits, it would deliver in accordance with the NPPF.

HISTORIC ENGLAND (ARCHAEOLOGY)

- Comment that in archaeological terms Grosvenor Square is an interesting and unusual subject as an example of an urban garden – no London square has yet seen substantive archaeological research so this is a rare opportunity;
- Disagree with the applicant's archaeological assessment that any archaeological remains would be of low significance given the poor understanding of what survives below ground of the pre-20th century gardens;
- Consider that there may be significant survival of the square's previous 18th and 19th century phases that would contribute to the significance of the registered park;
- Recommend a two-stage archaeological condition to secure acceptable safeguards, that includes public engagement.

LONDON GARDENS TRUST

- Objection - Appreciate that the square is looking somewhat tired but regret the loss of the axial focus toward the Roosevelt Memorial and the setting of the group memorials and surrounding buildings and that the setting of the square will be harmed by the proposals
- Although they support some of the new planting strategy, water capture measures and some seating in principle, believe that the present design requires amending to avoid such an extensive loss of grassed open, usable space and have concerns over the extent of paving and planting at the expense of lawn.
- Therefore object to the application for the following reasons:

1. The disproportionate increase in hard landscape at expense of lawn.
2. Concerned about the loss of the north-south axis which forms part of the memorial landscape - consider that the proposed raised paving 'tram-lines' are too minimal and will be lost unless future maintenance is guaranteed.
3. The use of bunds and berms [the replacement axial route and stone enclosure] is innovative, but they are so small that they will be lost within the cluttered circulation and numerous little kidney-shaped 'patios'.
4. The loss of the calm, elegant setting for such important commemorative statues and garden areas

TWENTIETH CENTURY SOCIETY

- Confirm the proposals have been resented to them a number of times at pre-application stage and comment on the importance of the gardens and the memorial landscape;
- Comment that developments around the square, especially the relocation of the American Embassy, have eroded the architectural representation of the special relationship between the UK and the USA but that the loss of the symbolism that this landscape incorporates would have damaged further this unique link;
- Of particular importance are the sightlines created by the statutory in the gardens and the clear linkages between these works will be diluted due to the softening of the planting and reduction in the starkness of the spaces.
- However, consider that much has been done as the proposals developed to ensure that the sightlines are retained and the inter-relationships can still be read and understood through alternative forms of expression;
- Acknowledge a small amount damage to the significance of the surrounds to the Roosevelt Memorial to allow level access but do not consider this to cause an unacceptable level of harm to the listed fabric.
- Have no comments to make on other elements of the scheme and do not wish to lodge any objections to the proposals but trust that renewal of the gardens will lead to a greater appreciation of the significant listed elements and the overall importance of the historic memorial landscape.

THE GEORGIAN GROUP

Have no objection to the scheme.

VICTORIAN SOCIETY

Any response to be reported verbally.

COUNCIL FOR BRITISH ARCHAEOLOGY

Any response to be reported verbally.

SOCIETY FOR PROTECTION OF ANCIENT BUILDINGS

Any response to be reported verbally.

ANCIENT MONUMENTS SOCIETY

Any response to be reported verbally

NATURAL ENGLAND

Have no comments to make on the application.

MAYFAIR NEIGHBOURHOOD FORUM

- Consider that the gardens are in need of regeneration and commend the applicant for bringing forward these proposals and for the intensive and comprehensive public consultation;
- Welcomes and supports the application but believe that the scheme could be substantially improved:
 1. Incorporating the space and road around the gardens to increase the amount of green space
 2. Whilst applauding the applicant for seeking to increase inclusivity for the multiple uses and users within the square, it is a lot to ask for a comparatively small space and it is important to ensure that long term maintenance is secured;
 3. Question why the gardens should still be dominated by both the height and setting of the Roosevelt statue and the opportunity should be taken to consider whether retaining such a large area of impermeable paving and “unexciting” water features is of greater public benefit than green space;
 4. Consider that the diagonal paths are used by many people who walk through the garden rather than walk to it to enjoy it – whilst the proposal seek to restrict the obvious desire lines across the central area, a bigger disincentive would be to move the entrances away from the corners and would urge the council to encourage the applicants to consider this approach as a possible mitigation strategy.

RESIDENTS’ SOCIETY OF MAYFAIR AND ST JAMES’S

Confirm they have been consulted and involved in every stage of the redesign, which has the support of the majority of the Mayfair residential community, and welcome the significant investment that has been committed by the applicant to this valuable public space.

MAYFAIR AND ST JAMES’S ASSOCIATION

Welcome these proposals to enhance and revitalise this historic square and the positive contribution this will make to the local environment, and recognise the benefit of an extensive and inclusive public consultation conducted by the applicant.

MAYFAIR RESIDENTS GROUP

Any response to be reported verbally

DESIGNING OUT CRIME OFFICER

Raises objections – has a number of concerns about how the provision and design of the planting, Social Ovals, Waterfall Canopies, amount of seating and play spaces could give rise to increased crime and anti-social behaviour.

HEART OF LONDON ALLIANCE

Any response to be reported verbally

ARBORICULTURAL OFFICER

Raises objections to the loss of a tree of heaven and the location of the proposed buildings, on the basis of likely harm of the health and longevity of the two trees which

they are very close to, and has a number of concerns about detailed aspects of the proposals.

HIGHWAYS PLANNING MANAGER

Generally supportive; comment that the realignment of the vehicular access on the south side of the gardens is likely to require amendments to the existing vehicular crossover and request that all highway works surrounding the site required for the development to occur prior to the occupation of the development should be secured by legal agreement.

PROJECTS OFFICER (WASTE)

Objection – further details required of the waste storage.

ENVIRONMENTAL SCIENCES

No objection subject to standard conditions controlling noise levels of the plant [extract ventilation for the kitchen in one of the new small buildings and ground source heat pump]

PLACE SHAPING/OXFORD STREET DISTRICT

- Welcome the scheme in accommodating cultural and leisure activities in the area as well as enhancing the biodiversity of the area;
- Welcome the new buildings, providing amenity and facilitating events and the management of activities, and consider that their visual impact is minimised;
- Comment that many of the sustainability features will require constant and intensive management;
- Refer to concerns about safety and security, and the possibility of anti-social behaviour and crime, especially around the meandering paths and 'social ovals', but note that the applicant has sought to address these by maintaining clear sightlines and visual links and the use of lighting and CCTV but that passive security and surveillance could have been achieved more easily with a simpler concept design;
- Generally welcome the proposals for level access and well-defined gateways to the square but comment that the loss of the recessed spaces at the existing entrances is detrimental to the visitor experience in orientating themselves;
- Question whether formalising the perimeter with new railings is necessary – even though railings are a common Georgian treatment for security and formality, they denote the strong demarcation of private realm and suggest that a new close-knitted, biodiverse hedge would suffice;
- Note that the existing diagonal crossings, used by pedestrians simply to cross the square are late 20th century additions and give the impression this is a transition space, whilst the applicant wants to create a garden for rest and contemplation – consider the pedestrian journey is tightly programmed, so that it reduces free roaming and that the gentle mound of the central oval discourages movement across the lawn and that people will trample the flower beds to take the shortest paths and suggest that the scheme could have benefitted from simpler more subtle path delineation and allowance for greater freedom of movement and choice.

PARKS, OPEN SPACES AND CEMETRIES

Support the proposals.

THE PILGRIMS SOCIETY

Confirm that the applicant has consulted with the Society and support the proposals.

THE AMERICAN EMBASSY

Support the proposals.

NEW WEST END COMPANY

Support the proposals

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 312;

Total No. of replies: 39

No. of objections: 5;

No. in support: 33 (and one neutral comment);

The majority of the individual consultation responses are in support of the proposals, in terms of enhancing the facilities being provided as well improving the planting, etc, with some qualifications about the small size of the central oval compared with the size of the 'shaded garden', safety and security and the need for a café.

Five letters of objection on some or all of the following grounds:

Use:

- The square is mostly fine as it is/the design will reduce the quiet enjoyment, turning the square into a messy attraction and depriving the residents of their local green spot and the city of an elegant usable space;
- the introduction of new features could definitely be considered but not a complete redesign;
- Urbanisation of this 'woodland' experience is unnecessary – the extra paths and 'socialising' areas make for an urbanised feel to the gardens;
- the current space has great flexibility - functions and people can move around and find a suitable space. In the new design, this flexibility will be hugely reduced and clashes will inevitably happen/ it will be a much less functional space, overcrowded and unpleasant/everything will happen in the centre;
- there is abundance of space, and it should be kept like that/the amount of usable space will be vastly reduced/ people's access to green space for various activities and relaxation has been sacrificed to over-provision of biodiverse planting and 'zones', and all the hard and porous surface paths;
- what space is left in the central area is not shaded, it will be overcrowded and unpleasant / the proposed design increases dramatically the chances of negative interactions of children, dogs, adults, art installations etc;
- The structural design is inappropriate given climate change/ the central area will be scorching in summer and grass will dry out;
- "It is ageist" – the reduced area of lawn, with almost no shade at all, makes it unsuitable for many people who cannot sit or be active in the full heat, such as older people/young children;
- A dogs-only area is needed for health and safety reasons/repeated requests for a pet free green area where children can play/the square is highly polluted by dogs peeing and very many pet owners or their care takers don't clean up after their dogs.
- if there is money to invest in it, it could be used for small improvements/more controls, e.g. looking into creating areas for dogs to run, having a warden to stop skateboarders, people bringing in their own stereos, personal trainers using it with

their clients etc/ targeted interventions would be more meaningful, and would keep intact the quality of the space -

Design:

- there is no need for such an over-designed space that ultimately does not serve its purpose at all;
- the proposal has nothing to do with the area nor its surroundings and it is rather inadequate for such a prominent site - it's a very "trendy" design that may appeal to some today, but is already outdated and will look old by the time it is built/it's not elegant, classy, provocative or revolutionary;
- the proposed buildings are ugly and out of context with the park and the entire area.
- The proposed styles and materials will be totally out of place and will contribute to the erosion of local heritage - any new constructions (including benches, buildings, railings, gateways, pathways and lighting) should be in-keeping with the era of the original construction and the existing buildings in the area.

Crime and security:

The area with thick vegetation and curvy footpaths is perfect for hiding and for shady business/there should be no areas where plants, shrubs and understorey create secluded seating areas, as these can provide cover for unwanted activities and behaviours that put others at risk.

Other:

The maintenance costs will increase considerably to keep the proposed vegetation up to standards, and control cleanliness etc;

Disruption from more building works [referring to other recent developments in the area];

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

In addition to the Council's consultation, the application was preceded by extensive consultation undertaken by the applicant with residents and local interest groups in the Mayfair area since 2020, with a series of exhibitions, workshops, meetings, etc. This has included the New West End Company, Westminster Society, The Mayfair Residents' Group, the Residents' Society of Mayfair and St James, the Grosvenor Mayfair Residents Association, Ward Councillors, the Mayfair Neighbourhood Forum, the Department for Digital, Culture, Media & Sport, 9/11 families, Westminster Youth Council, Mayfair Youth Forum, Mayfair & St James' Society, businesses and landowners through a series of ongoing public consultations. In addition, the proposals have been subject to detailed pre-application consultation meetings with Council officers, Historic England, The Twentieth Century Society, The Georgian Group and the London Gardens Trust.

The applicant advises that at the final consultation in July 2021, 88% of people were supportive of the detailed designs. 71% felt that the latest designs reflected the Community Priorities people had told Grosvenor were most important (23% gave 'no view'). Of the 6% of people who said they did not like the detailed designs, (6% said they had 'no view') the primary concerns were related to the ongoing management of the square – i.e. safety, security and anti-social behaviour - as opposed to specific elements of design. The design team have held meetings and coordinated with the security

consultants MFD-TT and the Met Police Counter Terrorism Advisor CTSA, and will continue to do so in the next stage of design as well as the assigned project Designing Out Crime Officer (but see section 8.5 below).

Although largely carried out prior to the publication of the Council's 'Early Community Engagement' procedure, the applicant's consultation programme is considered to be in full compliance with that process.

6. BACKGROUND INFORMATION

6.1 The Application Site

Grosvenor Square is the largest of the garden squares (1.79 ha) in Mayfair and provides a well-used and important recreational resource for the local community and visitors to the area. It lies in the Central Activities Zone, the Mayfair Conservation Area and the Great Estates Archaeological Priority Area. The gardens are listed grade II in the Register of Parks and Gardens of Special Historic Interest. They contain two Grade II listed monuments - the Roosevelt Memorial and the Eagle Squadron Memorial, as well as the non-listed 9/11 Memorial. Apart from these monuments, the site contains no built structures and is laid out to lawns and planting, with a number of mature trees. Originally laid out in the 1720s, the gardens have changed significantly over time, particularly during the twentieth century.

There are five pedestrian access points into the gardens, one at each corner and one at the mid-point on the south side. The site is surrounded by roads on all sides, with a traffic island at each corner on the east side. At the west side, the former US Embassy is undergoing redevelopment into a hotel. All deliveries, servicing and refuse collection currently take place off street, from the southern entrance.

The square is owned and managed by the applicant under a management agreement from the Department for Digital, Culture, Media & Sport (DCMS): whilst Grosvenor is the owner of the freehold, DCMS is responsible for management and maintenance of the Site under Section 1 of the Roosevelt Memorial Act of Parliament 1946, although such management was contracted back to Grosvenor in 2018.

6.2 Recent Relevant History

There have been a number of permissions for the site, relating to the display of temporary public artwork / sculptures, works to trees and advertisement consent for the display of banners affixed to hedges to all five entrances to Grosvenor Square for a temporary period. Permission for the erection of the September 11th memorial garden, comprising pavilion, pergola, railings and planting to eastern boundary of the gardens was granted in October 2002.

In September 2017 permission was granted for the removal and safe temporary storage of the President Eisenhower and President Reagan statues and associated plaques and structures, Berlin Wall memorial, police call box, American Embassy Perimeter scheme completion plaque, 6 trees and associated Tree Trust plaque for future reinstatement, removal of 1 deceased tree and demolition of existing raised planters and associated works – this was in connection with the redevelopment of the former US Embassy

building.

There is another current application for the use of four spaces within the gardens for the display of sculptures or public art for temporary periods between April 1st 2021 - March 31st 2026.

7. THE PROPOSAL

As part of the applicant's long term vision for its London estate, it believes that there is a significant opportunity to redesign and optimise the potential of the gardens to a world-class green civic space. This comprises an extensive new landscaping scheme that will provide a high-quality green oasis within the heart of Mayfair, in an accessible location, for the benefit of residents, workers and visitors. The proposals aim to enhance biodiversity and will offer new opportunities for education and learning. The applications are accompanied by a thorough set of supporting documents.

The proposed development has a number of separate elements which combine to create a transformed new landscape within the site, incorporating a range of new amenities and facilities. The key features of the applications can be summarised as follows:

- i) Replacement of the post-war boundary enclosure, which is composed of holly hedge and a chain link fence, with more diverse boundary planting and metal railings;
- ii) The formation of a new pedestrian access point into the site at the west end (and the retention of all existing access points), with new landscaping around the entrance gates;
- iii) The retention of 46 existing trees and the provision of 46 new trees – the applicant argues that it will be necessary to remove a small number of 'lower value' trees in order to create a viable succession plan and allow for maximum biodiversity on site;
- iv) The creation of a densely planted outer ring within the site, referred to as 'the Shaded Garden', comprising trees and extensive sustainable and species-rich planting;
- v) The removal of all existing paths and creation of a network of new paths within the Shaded Garden allowing visitors to wander within the new landscape;
- vi) Within the Shaded Garden there are a range of smaller oval shaped areas, referred to as 'social ovals', which will provide spaces for rest and recreation. Some will include structural furniture (tables, chairs and benches), while others may include informal play features;
- vii) An oval-shaped path lined with benches will form the inner edge of the Shaded Garden. This will be shaped around a gently mounded central area of lawn, the 'Open Oval Garden';
- viii) Removal of the stone-paved north-south axis route between the Roosevelt Memorial and the Eagle Squadron Memorial and its replacement with two lines of stone edging (400mm wide) set within the lawn as a reminder of the former north-south axis;
- ix) The erection of two timber buildings (Building 1: Gardeners' office, store and WC;

and Building 2: Educational facility and kiosk) within the Shaded Garden on the south side of the site, made of natural materials with timber walls, woven timber slats, and living green roofs;

x) The creation of four plinth locations in the site for the future installation of artworks;

xi) The installation of a variety of water collecting features in the form of an oval shaped rill, a wetland area west of the 9/11 Memorial, and two waterfall canopies on the west side of the site;

xii) Realignment of the boundary at the entrance on the south side of the gardens, including the removal of the pavement inset and the Diplomatic Gates, to provide enhanced access to the site, but the associated plaque and stone inscriptions bearing the memorial text commemorating the signing of the Treaty of Paris would be repaired and reinstated within the threshold of the square's southern entrance;

xiii) The provision of new lighting throughout the site comprising lighting columns of various heights, low level path lights and plant lighting and lighting integrated into benches and other structures, including spot lighting for the Memorials. This will provide lighting during the hours of dusk and darkness when the Site is open, extending the hours of use and providing enhanced security. 43 lighting columns are proposed in total, comprised of 8 x 12m lighting columns, 17 x 9m lighting columns, and 18 x 5m lighting columns;

xiv) The creation of a minimum of 127 sqm of new informal play space, fitted with a range of naturalistic play features;

xv) The creation of an external, fenced gardener's compound next to the gardener's office building, which will provide a location for storage of garden waste. It will also be the location for 6 photo voltaic panels and employee cycle parking (2 spaces);

xvi) In terms of the works for which listed building consent is sought, this includes repairs to the Roosevelt Memorial where this is necessary;

- the creation of three openings to the North walls of the Memorial to allow for levelled access;
- the addition of a disabled access ramp to the statue plinth;
- the removal of the stone paved path and low level forecourt in front of the Memorial and its replacement with a raised stone-edged path;
- up-lighting of the memorial with light fittings concealed in the ground.

As the proposal includes the removal of the commemorative gates at the south entrance, which constitutes a memorial, this requires permission under The Town and Country Planning (Demolition – Description of Buildings) Direction 2021 and the application has to be referred to the Secretary of State for Levelling Up, Housing and Communities under the terms of The Town and Country Planning (Consultation) (England) Direction 2021.

The initial proposals for the gardens, at pre-application stage, included more extensive interventions than the current planning application scheme. This included bringing the “four corners” of highway land that adjoin the main entrances to the gardens into the

scheme and re-landscaping these areas to provide additional green space. There were also ambitious ideas for an underground “hidden water garden” and a wider range of additional structures being introduced to the gardens. Although many aspects of the scheme were supported, and have been incorporated into the current proposals, the degree of change caused by the hidden water garden in particular, and its impact on the historic memorial landscape, was of concern to both Council officers and Historic England. Therefore, the project brief was adjusted to remove this aspect and more focus was placed on enhancing the setting of the garden’s heritage assets and the memorial landscape.

The comments from the Mayfair Neighbourhood Forum about incorporating the space and road around the gardens to increase the amount of green space are noted. Whilst the draft proposals for the four corners were supported in principle in planning terms, that would have involved complicated highways issues and, as such, were not taken forward. It is not considered that conversion of the road around the square into additional green space, as suggested by the Forum, could be done without major disruption and cost to the local highway network.

8. DETAILED CONSIDERATIONS

8.1 Land Use/General Principles

Policies

London Plan Policy G4 (Open Space) sets out that development proposals should not result in the loss of protected open space, and where possible create areas of publicly accessible open space, particularly in areas of deficiency. City Plan policy 34. Green Infrastructure states that

A. The council will protect and enhance the city’s green infrastructure to maximise its environmental, social and economic value.

CITY GREENING

B. 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.

OPEN SPACE

C. All open spaces and their quality, heritage and ecological value, tranquillity and amenity will be protected.

D. Major developments will be required to provide new or improved public open space and space for children’s active play, particularly in areas of open space or play space deficiency.

E. Development affecting the Royal Parks should enhance their quality and range of uses.

The supporting text at paragraph 34.5 states that development on open space must be essential and clearly ancillary to maintaining or enhancing the values of the open space.

City Plan Policy 43 on Public Realm, Part C, Commerce in the Public Realm, explains that additional kiosks or other structures for the display and sale of goods outside of a market will be resisted. Part E and F of the Policy considers public art, statues and monuments whereby, it is encouraged to provide high quality public art as an integral part of the design of new major developments, particularly around gateway locations and where they benefit legibility. New statues, monuments or memorials in the public realm will be directed outside of the Monument Saturation Zone.

City Plan Policy 15 on the Visitor Economy states at Part I that safe, secure and publicly accessible toilets will be required in proposals that generate a large amount of visitors.

In the Mayfair Neighbourhood Plan (MNP), Policy MGS1 (Mayfair's Green Spaces) Grosvenor Square is referred to as a public green space. In such spaces, Local Community Use is encouraged and will in principle be promoted by the Forum (MGS1.2). It goes on to state that, "*Proposals which enhance Mayfair's public green spaces as places of recreation for all users throughout the year, by the improvement of landscaping and public realm, will be supported*" (MGS1.3). It goes on to state that, "*enhancements to the public realm around Mayfair's green spaces, where those enhancements result in improved accessibility and usability of the green spaces, will be supported*". Developments are to, where relevant, demonstrate how the proposed enhancements contribute to a coherent strategy to improve accessibility to the green space in question (MGS1.4).

MNP Policy MGS2 (Events in Green Spaces) sets out that proposals for events in Mayfair's green spaces, will only be permitted if the events:

(a) demonstrate in advance and ensure that:

"(i) there is no significant adverse impact on local amenity in terms of noise, pollution, visual amenity, parking, and accessibility to the green space,

(ii) the buildings or structures to accommodate the events adopt high quality design (including considering visual amenity) that can be expected for such temporary structures,

(iii) the cumulative total of days during which more than 40% of the green space in question is inaccessible to the public due to the construction, occupancy, and then dismantling of the structures in question, are both kept to the shortest length of time reasonably necessary, and also do not exceed 40 days in any calendar year.

(b) Remediate the green spaces as part of the dismantling of the structures, so that all damage to any aspect of the green space is repaired as soon as reasonably practicable, and the green space is otherwise in the condition pertaining immediately prior to the event taking place or enhanced."

The NPPF (paragraph 193) requires that for a registered garden, applications for planning permission are considered in light of the designation, and 'great weight' should be given to the conservation of designated heritage assets. In order to be granted permission, a development proposal affecting a registered park or garden would need to accord with legislation which protects the historic environment as well as national and local planning policies.

General Principle of the Proposals

The principle of upgrading the gardens to provide an enhanced open space which will deliver substantial increases in amenity and recreational value for visitors and the local community is considered to be in compliance with the above policies. The proposals will preserve the open nature and the environmental and heritage aspects of the gardens. The significant increase in the amount of planting in the 'Shaded Garden' will help improve air quality, using an air quality positive approach, and address issues related to climate change and the urban heat island effect. The proposals therefore meet the distinct needs of the relevant policies.

Whilst there have been objections to the proposed changes to the layout, and that it should be left as it is (see section 5 above), it is considered that the proposals achieve an acceptable balance between the competing needs and aspirations for how the gardens are used. It is an important open space and there is potentially a greater demand for how it could be used than has materialised before now with its current layout. However, the proposals are considered to be an acceptable alternative and has generated a considerable amount of support compared with a small number of objections and is considered to be acceptable in principle. Other matters such as crime and security are discussed below.

The gardens are used for a variety of events through the year in accordance with an Events Licence held by the applicant, who is not proposing to increase events above the existing usage levels.

It is proposed that the gardens normal opening hours would be from 07.00 hours to 22.00 hours. Whilst there is no planning restriction on the opening hours at the moment, given the proposed intensification of the use, it is considered appropriate to have a condition on the current permission to protect the amenity of residents living in the vicinity. The proposed hours are considered acceptable; it is noted that the applicant wishes to have a later time for when there are private functions in the new building (discussed below) which requires egress from the gardens up until 23.00 hours; this would be through the access gates at the south side of the gardens.

There have been several objections to the proposal, in terms of the changing nature of the gardens, especially through the creation of a separate, smaller lawn in the middle with a more heavily planted area around it. It is acknowledged that the proposal is a radical redesign, but this is considered to be a legitimate approach that allows greater flexibility, not less, for how the space is used. For example, there is currently no dedicated play area and one will be provided. There will be a reduction in the amount of lawn (from an existing 14,374 sqm of total green space to 4,030 sqm for the central oval lawn and 8,310 sqm for the Shaded Garden, with an increase in hard paving from 3,133 sqm to 5,115 sqm) but this is considered to be offset by the greater visual and functional variety in the proposed design, and a number of other benefits, such as increased biodiversity from the significant amount of new planting. These objections are therefore not considered to be sustainable.

With regard to the layout of the paths, it is noted that the Mayfair Neighbourhood Forum and the Oxford Street District/Place Shaping team both comment on how the of the existing diagonal crossings being used by pedestrians simply to cross the square, the

former suggesting that the entrances to the gardens are moved away from the corners to discourage pedestrians just walking through from one corner to the other, the latter considering that the proposed pedestrian journey is too tightly programmed, and that people will trample the flower beds to take the shortest paths and suggest that the scheme could have benefitted from simpler more subtle path delineation and allowance for greater freedom of movement and choice.

Policy 25 (Walking and cycling) of the City Plan states that

WALKING

B. Development must:

- 1. Prioritise and improve the pedestrian environment and contribute towards achieving a first-class public realm particularly in areas of kerbside stress, including the provision of facilities for pedestrians to rest and relax (including seating) and high-quality and safe road environments and crossings, where needed.*
- 2. Contribute towards improved legibility and wayfinding including signage to key infrastructure, transport nodes, green spaces and canal towpaths (such as through TfL's Legible London).*
- 3. Be permeable, easy and safe to walk through, enhance existing routes which are adequately lit, creates step-free legible access and entrance points whilst providing direct links to other pedestrian movement corridors and desire lines.*

It is considered that there might be a marginal disadvantage to pedestrians' directness of movement by removing the cross paths from the centre of the gardens, if their sole purpose is to use the gardens as a short-cut. However, it is perhaps part of the changing nature/use of the gardens, as intended by this application, that would encourage pedestrians to have a more enjoyable and relaxed passage through the gardens without unduly delaying their progress and this is not considered to be a sustainable ground for objecting. Relocating the entrances is likely to have greater implications for the local highway network as different pedestrian desire lines are likely to require crossing points to be amended. If there is trampling over planted areas, this would be a matter to be dealt with as part of the maintenance of the gardens.

New Buildings

The applicant has argued that structures on the site are essential to the day-to-day operation and upkeep of the gardens, but they also wish to provide an opportunity for the provision of education about the gardens, horticulture, ecology and environmental management, as well as provide a facility for visitors from the catering kiosk.

Building 1 (49 sqm GIA) will house the gardener's office and store as well as public WCs - male and female WCs will be provided, along with an accessible WC (which will include a baby changing area). The WCs will be maintained and cleaned through the day as part of the applicant's management of the site. There is a shortage of public WCs in the wider Mayfair area and the provision of additional public toilets is welcomed and in accordance with policy 15. (Visitor Economy) of the City Plan and MR4 of the Mayfair Neighbourhood Plan (albeit the latter is aimed at their provision within new large scale retail developments).

Building 2 is the larger of the buildings (96 sqm GIA) and will provide an education centre and a catering kiosk. Grosvenor has been in discussion with a number of education providers regarding the operation of this facility. It is envisaged that it will be operated by an educational charity and provide resources and learning opportunities relating to horticulture, ecology and the environment, as well as history related to the site. It is anticipated that there will be regular school and community group visits.

The applicant believes that it is important that this facility can provide catering for its visitors and staff. Therefore, a catering kiosk is also proposed which will include primary cooking equipment. This will serve both the education centre and visiting members of the public who would be able to purchase hot and cold refreshments through a serving hatch. There would not be any internal or external seating for the public in association with the kiosk and as such it would not operate as a café. It is intended that it would be run as a social enterprise (not for profit) and would help support the business model of the education provider and support the maintenance of the wider amenities and facilities in the gardens. The education centre would also be used for private hire for events when not in use for educational purposes and this would be another important aspect of the business model for the education provider.

The kiosk roof will include a flue for the kitchen ventilation/extraction but this will be largely hidden from view by the roof top planting. Environmental Sciences have confirmed that the proposed plant for the kitchen extract is acceptable, subject to the standard condition controlling noise levels.

The two buildings are positioned within the Shaded Garden. The applicant believes that the location of the buildings is in the optimum location relating to site access for maintenance vehicles and loading / drop off of items and will avoid waste and deliveries interfering with the operation of the garden. They are located adjacent to the southern gate and in view of much of the site, thereby contributing to the site's safety and security through passive surveillance. The buildings will have disability compliant level access.

The design of the buildings (discussed in more detail below) aims to give the impression of 'belonging' in a garden through the use of natural materials and simplistic forms. The mounded roofs add an additional habitat and the use of soft curves and textured surfaces help the buildings to blend within the Shaded Garden.

8.2 Townscape and Design

The Existing Site and its Heritage Significance

Grosvenor Square Gardens is registered grade II on the Register of Parks and Gardens and is located within the Mayfair Conservation Area. Within the gardens are two listed structures: the President Roosevelt Statue and the Eagle Squadron Memorial which are both grade II. In the immediate vicinity of the gardens there are a number of other listed buildings, including the former US Embassy occupying all of the west side of the square (grade II); 22-23 Grosvenor Square at the north-west corner of the square (grade II); 9 Grosvenor Square at the north-east corner (grade II); 4 Grosvenor Square in the centre of the east side of the square (grade II); 38 Grosvenor Square on the south side (grade II*); and a police call box on the north-west side of the square (grade II). There are

further listed buildings lining the streets which adjoin the square namely Upper Brook Street, Brook Street, Grosvenor Street and Upper Grosvenor Street.

In addition to these designated heritage assets there are also non-designated heritage assets to note - the 9/11 memorial within the square on its eastern side, the Treaty of Paris inscription and Diplomatic Gates at the southern entrance to the gardens, and the Ronald Reagan and General Eisenhower memorials on the west side of the square (currently in storage). There is also a memorial to the D-Day landings outside 22 Grosvenor Square. The other unlisted buildings, mainly inter-war or post-war buildings of the twentieth century, which face onto the square are also all considered to make a positive contribution to the setting of the square and the conservation area and to be regarded as undesigned heritage assets.

Grosvenor Square is the largest square in Mayfair and formed part of the original phase of development of Mayfair when it was laid out in 1725 as part of the Grosvenor Estate. In this early phase the gardens were an ancillary amenity to the large private houses which faced onto the square. The gardens were enclosed by railings in an oval shape with access restricted to keyholder residents and were arranged as a series of geometric paths dividing flowerbeds around a central equestrian statue of King George I. This original layout was designed by John Alston and described as a 'neatly ordered geometric garden contrived for strolling'.

Throughout the eighteenth and nineteenth centuries the central gardens to Grosvenor Square remained private but were altered several times. In the late 1720s elm hedging was extensively planted and certainly for much of the eighteenth century the landscaping was restricted in height to enable views across the square. In the 1770s residents demanded a more substantial enclosure to provide privacy, and the original landscaping was replaced by another centralised but simpler scheme of shrubs divided by paths; in the 19th century, the oval shape of the square was enlarged to take in some of the road space to the north and south, a pavilion was built, and at some time between 1844 and 1854 the central statue was removed. Also, many of the London plane trees in the gardens were added in the 19th century. In the twentieth century, during the Second World War, the square, like many open spaces in London, was put to practical use, including as a location for barrage balloons and a large temporary building; at this time its railings were removed. 20 Grosvenor Square was the US military headquarters in Europe during the war, and the square was colloquially known as Eisenhower Platz. The American connections had begun in 1785 when the ambassador John Adams took a house on the north side.

The square was altered substantially in character and appearance after the war. In 1947, it was opened to the public, and a statue (Grade II listed) of the wartime US American President Franklin D Roosevelt by British sculptor William Dick Reid was placed at its north end, to commemorate and cement the US-Anglo relationship that had been vital in winning the Second World War, and in cognisance of Grosvenor Square as the centre of US-British political and military connections. As part of this scheme, the landscaping was replaced by a new arrangement of large water basins flanking the statue, stone-paved formal paths set between areas of lawn and with perimeter trees and an enclosing holly hedge. The landscaping design for the gardens was undertaken by Bertram Gallannaugh. In subsequent decades, the square became the locus of more memorials to American events and persons, including memorials to the Treaty of Paris of 1783, the

attacks of 9/11, to Ronald Reagan and Dwight D Eisenhower. The west side of the square was redeveloped in 1957-60 with a new embassy building for the USA to designs by Eero Saarinen (Grade II listed), giving additional emphasis to the US connections in Grosvenor Square. In 1986 a memorial for the Eagle Squadrons (Grade II listed), voluntary US pilot fighters serving as part of the RAF in WWII, to designs by Dame Elizabeth Frink, was set on axis to the FDR sculpture.

Grosvenor Square Gardens was originally included as one of the London squares protected by the London Squares Preservation Act of 1931 which stipulated that the included squares could only be used for the purpose of an ornamental pleasure ground or ground for play and rest or recreation and that no buildings or structures should be erected in the squares except such as may be necessary or convenient for the use and maintenance of the square. In addition to this legislation the gardens were also subject to the Grosvenor Square Act of 1835 which gave 'exclusive rights to use and enjoy the square' to the 'occupiers of houses on the premises encompassing and abutting the square'. However, once Grosvenor Square had become the favoured location for a memorial statue to President Roosevelt, these two acts were superseded by the Roosevelt Memorial Act of 1946 which allowed for the erection of the statue, the laying out of the square as a garden and its opening for the use and enjoyment of the public in perpetuity.

Thus, Grosvenor Square has high heritage significance with elements which contribute to evidential value, historical value, aesthetic value and communal value. As Historic England note in their consultation response its significance derives not only from its origins as an influential early garden square but also as a post-war memorial landscape, with the latter being the principal layout and dominant character.

The gardens contribute positively to the setting of surrounding buildings (including the listed buildings) and likewise the surrounding buildings contribute to the setting of the registered park, notably the former embassy (currently being redeveloped behind retained facades into a hotel), but also the memorials and buildings connected to Anglo-American relationships.

Legislation and Policy (Heritage & Design)

The relevant legislation, policy and guidance which applies to a proposal of this nature is extensive and a detailed description has been provided within the applicant's submission, but it is considered worthwhile to re-state some of the key legislative requirements; and some of the key policies and guidance:

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states 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 P(LBCA) Act 1990 indicates 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 Act states that: “...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...”
- In terms of the National Planning Policy Framework (NPPF, 2021) the key sections are Chapter 12 (Achieving well-designed places) and Chapter 16 (Conserving and enhancing the historic environment). In the latter chapter paragraph 199 makes clear:
 - “When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any harm amounts to substantial harm, total loss or less than substantial harm to its significance.”
- Paragraph 200 states:

“Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification....”
- Paragraph 202 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.”
- Finally, paragraph 203 states:

“The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”

Within the City Plan 2019-2040 there are a number of relevant policies and some of the key design/heritage ones are:

- Policy 34 which seeks to protect and enhance Westminster’s green infrastructure.
- Policy 38 which sets out design principles, requiring exemplary standards of high quality, sustainable and inclusive urban design and architecture.
- Policy 39 relates to Westminster’s heritage and how it will be valued and that development should optimise the positive role of the historic environment.
- Policy 40 relates to townscape and architecture, requiring development to be

sensitively designed having regard to the surrounding townscape.

- Policy 43 relates to the delivery of high quality public realm.

The Mayfair Neighbourhood Plan is another key policy document to take into account and policies MGS1, MD1, MD2 and MD3 are of particular relevance.

The Proposals

In making these proposals the applicant seeks to increase the amenity value, biodiversity and sustainability of Grosvenor Square Gardens. The proposal is a combination of hard and soft landscaping changes as well as the introduction of new buildings and structures within the gardens. The main alterations are listed in section 7 above.

The current character of the gardens has been strongly influenced by the connections and associations with the United States of America and as a place of memorial. As such it has a rather quiet and contemplative quality to it, which is underpinned by the simple and restrained design. The current proposals will result in a change in character, with a greater emphasis on activation of the gardens, brought about by the changes to the landscaping, by the new buildings and structures, and the uses they will encourage and facilitate, all of which will create a space of greater social interaction and in part a return to its original function as a pleasure ground. In doing so the design seeks to deliver a landscape which is more sustainable and which promotes greater biodiversity.

It is likely that the most prominent visual change to the appearance of the gardens will be the formation of the large central oval lawn, which with its perimeter stone path, rill and seating will introduce a strong new centrepiece to the gardens. The oval form takes its inspiration from the oval boundary of the gardens as originally laid out in the eighteenth century.

The other prominent visual change will be the introduction of new buildings and structures within the gardens, where at present, other than the memorials, there are no other structures. The two new buildings will be sited within the more heavily planted shaded garden zone and will be on the south side, close to the Eagle Squadron memorial and the southern entrance and positioned either side of the entrance path. The building on the east will be the larger of the two and provide an educational space, an ancillary kiosk and some storage; the smaller building to the west of the path will contain a gardener's office, store and public WC. There will also be a fenced area to the west of the gardener's building for additional external storage and to house some PV panels, waste and an air-source heat pump. Both buildings will be of a similar design: single storey, with timber cladding to the external walls and a mounded planted roof which overhangs the walls. The roof to the larger education building will also feature a rooflight and a kitchen extract flue.

In addition to these two new buildings, the other prominent structures will be two 'waterfall canopies' which are positioned to the west of the central oval and positioned either side of a new path leading to the new western entrance gates. The widest dimension of the canopy is approximately 10.5m and they are approximately 4.5m high. They effectively act as funnels to catch rainwater and then channel it via a waterfall into

a basin, which in turn drains into a rainwater storage tank. Beneath each canopy and facing towards the waterfall and basin is an oval bench. The water within the storage tank can be recirculated to maintain the waterfall feature when it is not raining. The underside of the canopy will be clad in a timber weave. Each structure will be supported by four lighting columns. In addition to having the practical function of providing some shelter, the canopies are intended as a 'sensory educator' communicating the importance of water and the climate emergency.

Several other water-related features are incorporated into the design, albeit of less visual prominence than the canopy structures. These include swales, soakaways, the oval rill, ponds and marsh areas by the 9/11 memorial and the refurbished ponds and fountains of the FDR memorial. All are designed to address sustainable drainage and take opportunities to re-use rainwater; while in some cases also promoting biodiversity.

The boundary to the gardens will see the replacement of the existing holly hedge, within which is a chain link fence with a metal railing and new planting inside the railing. The new boundary will retain all of the existing entrances (at the corners and on the south side) although will widen the entry on the south side and will also introduce a new entry gate in the centre of the west side. The design of the new railing seeks to introduce a contemporary version of a traditional railing comprising laser cut, painted steel vertical bars, incorporating a single twist to strengthen the railing. These will be set within a pre-cast concrete base and will feature a finial detail which is roughly disc shaped but will differ from one bar to the next. Officers had sought a traditional design for the railings, along the lines of the traditional railing design to many other historic squares in Westminster, however the applicants have resisted this option, citing the contemporary and twentieth century design of many of the existing features of the gardens and of the other new features that form part of the current proposals e.g. lighting. They also argue that the proposed design has a lower embodied carbon than a traditional design.

The gate on the south side is the 1984 Diplomatic Gates which form part of the memorial to the Treaty of Paris. The gates themselves are plain and are to be replaced, whereas the memorial inscription to the stone floor will be lifted, repaired and re-instated. There is no objection to this.

The two listed memorials and the 9/11 memorial will be lit by discreet spotlights and the applicants have indicated their willingness to consider how the lighting effect can enhance the memorial qualities of the gardens and the inter-relationship between the memorials. There is more extensive lighting introduced throughout the gardens.

Some minor alterations are also proposed to the FDR memorial. These include three new openings in the stone plinth on its north side, which will facilitate step-free access to the statue and the ponds and enable the memorial and its inscriptions to be far more accessible. In addition to these alterations the memorial will undergo restoration work.

A number of smaller features will also form part of the proposals, including play items, benches, interpretation boards, bins, tree plaques. There will also be four locations which will be designed to enable the display of public art – there is a 4m x 4m zone within each quadrant of the gardens which will be designed to be capable of supporting public art installations – although at this stage no strategy for display or specific installations is proposed. A conditions requires details to be submitted.

Impact upon the gardens and heritage assets

The cumulative impact of the proposals will be to significantly alter the character and appearance of the gardens. The changes will erode the contemplative, memorial landscape and introduce features which are likely to make the gardens a more social space, with greater level of interaction and animation. The new buildings will incorporate uses that will support a more diverse and extended engagement with the space; and the design will introduce many sustainable and biodiverse qualities.

In terms of the overall impact, while there will be a change in character, the design would certainly accord with the requirements of Roosevelt Memorial Act, notably to be a space for the use and enjoyment of the public.

The introduction of the two new buildings and the two water canopy structures would introduce more built form into an open space, currently largely devoid of buildings. Nevertheless, by virtue of their design and location they do integrate successfully into the garden landscape and do not compete harmfully with the listed memorials. Policy 34 of the City Plan seeks to protect green infrastructure and also seeks to maximise its environmental, social and economic value, and while the new buildings and design will occupy open space, the intended design and use does seek to take opportunities to enhance the environmental and social value of the space, and as such the proposals are considered to accord with this policy. Objections to the introduction of these buildings and their design are therefore not considered to be sustainable.

Policy 39(G) seeks to safeguard the special historic interest, integrity, character, appearance and setting of registered parks and gardens. As a registered garden there would be an element of less than substantial harm because some of the 1948 landscape scheme would be removed and its memorial character eroded, most notably through the removal of the north-south paved path, but also through the removal of the Diplomatic Gates, and by the greater level of activation that the design introduces. This level of harm is also identified to the setting of the listed FDR memorial and the Eagle Squadron memorial, as a result of the removal of the stone paved north-south axis, which was a key component of Gallannaugh's design and which linked the two memorials when the Eagle Squadron memorial was sited at the southern end of the axis in the 1980s.

The loss of the north-south paved axis and the erosion of the commemorative and more tranquil character that currently exists are concerns expressed by some within the consultation responses, notably from Historic England and the London Gardens Trust. Historic England assess the level of harm to designated heritage assets to be in the "lower half of the range of less than substantial harm". Thus, in resulting in a level of harm to designated heritage assets there are aspects of the proposals which do not fully accord with policy 39 which seeks to avoid harm to Westminster's heritage, however, the same policy also seeks to promote "public enjoyment of, access to and awareness of the city's heritage" and there are certainly many elements of the scheme which deliver on this part of the policy.

The contemporary design of the perimeter railings is an aspect of the design which at officer level is felt to be a less than ideal design solution. The opportunity to reinstate a traditional railing design would have been a heritage and public benefit and the introduction of traditional features such as larger standard rails providing a rhythm to the

enclosure would probably have been more effective than the design proposed. That said, there is currently no railing around the gardens and the introduction of one, albeit in a contemporary design, could not be regarded as harmful, particularly as the proposed design is not overtly modern or eye-catching. Whilst there has been an objection on the grounds that the proposed styles and materials of the benches, buildings, railings, gateways, pathways and lighting will be out of place and will contribute to the erosion of local heritage, for the reasons stated above and given the overall acceptability of the proposals, this objection is not considered to be sustainable.

It is noted that Place Shaping/The Oxford Street District team has questioned whether formalising the perimeter with new railings is necessary – even though railings are a common Georgian treatment for security and formality, they denote the strong demarcation of private realm and suggest that a new close-knitted, biodiverse hedge would suffice. This view is not accepted, as the re-introduction of the railings (whatever their design) is considered to be an important heritage benefit.

As the gardens are a key component of the Mayfair Conservation Area, the erosion of the post-war commemorative character to the gardens and the consequent harm identified would also extend to the conservation area but again at a low level of less than substantial harm. In terms of other undesignated heritage assets, the loss of the Diplomatic Gates as a component of the commemoration of the signing of the Treaty of Paris would also result in some harm to the commemorative quality of the gardens, albeit of a low level as the gates are of a standard design, with no intrinsic qualities within the design that relates to the commemoration. Nonetheless, as a component of a memorial, should the recommendation be accepted this will require referral of the application to the Secretary of State.

The impact on the setting of listed buildings in the vicinity of the gardens will not be adversely affected by the proposals. While in some cases the historical connections between the surrounding buildings and the gardens is a strong and positive one, such as the presence of the former US embassy building and the memorial landscape – because the key features of significance to both the gardens and the buildings remain and have a spatial and visual connection, it is for this reason that no harm to setting is identified. It should also be noted that the actual embassy (who have been consulted and have no objection to the proposals) has relocated to Vauxhall and their former building is being redeveloped as a hotel.

Heritage, Design and Townscape Conclusions

Grosvenor Square Gardens has continually evolved and changed since it was originally laid out in the 1720s. While for much of its history it was a private garden, its character was quite significantly changed when it became a public space associated with the commemorative landscape that was introduced in the 1940s. It was added to the Register of Parks and Gardens in 1987 and the reasons for its designation cite both its early history but also its post-war landscaping. The current proposals can be viewed as a further phase in the gardens evolution in part reverting the gardens to more of a social space, albeit one now accessible to the public.

The change in layout and the new buildings, structures and planting mean the proposals do change the character of the space, improving its sustainability qualities and its

biodiversity qualities, while making it a more active space. The new design and facilities also provide users with differing ways of engaging with the space and improving facilities for maintenance. At the same time the proposals seek to respect the post-war commemorative landscape and the designated heritage assets closely associated with that landscape, i.e. the registered garden and the two listed memorials. For the most part the proposals have broadly managed to achieve the balance of changing the gardens while respecting its heritage significance. However, as Historic England and the London Gardens Trust identify there is some loss of significance to the commemorative qualities of the garden, but at the same time opportunities have been taken to restore the FDR memorial and make it more accessible; and to emphasise the importance of the memorials in different ways: such as introducing a lighting scheme; and also in the paving stone alignments which acknowledge the Gallannaugh design and preserve a landscaped link between the two listed memorials.

The level of harm to the registered park and the setting of the listed memorials is considered to be less than substantial and at the lower end of that spectrum. As is set out in the NPPF at paragraph 202, where a development will lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal.

As Historic England note in their consultation response the proposal does result in some heritage benefits, which can be regarded as public benefits, namely the strengthening of the lost Georgian design and character of the gardens; and the repairs and improved access to the Roosevelt memorial.

Other public benefits would include enhanced facilities for the public which would enable them to enjoy the gardens, including an accessible WC, a kiosk, the education centre and the on-site maintenance facilities. The lighting, CCTV and signage would also provide a safer and more engaging and useable space – again a public benefit. Finally, the enhanced biodiversity/sustainability performance of the gardens are again public benefits. These other non-heritage benefits will be elaborated upon elsewhere in this report but are referenced here to aid an appraisal of the impact on heritage significance.

The public benefits of this scheme are considered to be significant and to be capable of outweighing the harm identified. Taking the City Plan as a whole and accepting that strict adherence to every policy will not always be possible, it is considered that in design terms the proposals have successfully sort to address policies 34, 38, 39, 40, and 43 of the City Plan.

The Mayfair Neighbourhood Forum has questioned why the gardens should still be dominated by both the height and setting of the Roosevelt statue and that the opportunity should be taken to consider whether retaining such a large area of impermeable paving and “unexciting” water features is of greater public benefit than green space. The Roosevelt Memorial is considered to be an important historic feature, as set out above, and its retention is justified on these grounds.

8.3 Trees, Planting and Landscaping

Proposed tree removal

All of the trees on and adjacent to the site are protected by virtue of being within the Mayfair Conservation Area. The Design and Access Statement says that of the 68 trees on the site, 46 are proposed to be retained. The tree report says the proposals will require the removal of 22 category C trees including 8 pleached lime trees. Trees are categorised according to 'British Standard 5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations', with A being the highest category, followed by B, C and U (unsuitable for retention). The referenced trees proposed for removal are:

- 502 tree of heaven
- 514 apple
- 515 apple
- 520 tree of heaven
- 521 tree of heaven
- 538 cherry
- 543 holly
- 547 walnut
- 548 walnut
- 549 small oriental plane
- 559 cherry
- 560 cherry
- 561 cherry
- 562 cherry
- 563, 564, 565, 566, 567, 568, 569, 570 pleached lime trees

Of the trees proposed to be removed in the above list, the loss of the walnuts is regrettable, in particular tree 548, to which the Head of Arboricultural Services attributes a B category.

With regard to the tree of heaven 502, the applicant considers that its removal will be beneficial for the gardens as it will make space for planting two replacement trees and allow additional light into the ground layer below. The submitted tree report further considers that trees of heaven are relatively short lived, and have poor resistance to decay, and considers it unlikely that the tree will be able to be retained for more than 20 years.

The Head of Arboricultural Services considers the tree of heaven T502 to be a good specimen to which she would also attribute a B category. It has a reasonable form and canopy structure, and is a significant landscape feature in this part of the garden. In her view it has a safe life expectancy of 20 years or more. Whilst she agrees trees of heaven have a reputation of poor resistance to decay, she do not think that this is sufficient reason to categorise the tree as a C category tree. She considers it should be retained in the proposed development, and raises objections to its removal as part of the current planning application.

The applicant is adamant that the tree should be removed and whilst sympathetic to the

Head of Arboricultural Services' objection, it is considered that the objection in this instance is outweighed by the benefits of the scheme as a whole.

The removal of the remaining trees in the list above is considered to be acceptable, subject to the provision of adequate replacement tree planting.

Proposed tree transplanting

Of the three memorial trees in Grosvenor Square Gardens (T512 London plane, T523 tulip tree and T544 tulip tree), two are proposed to be transplanted - 523 tulip tree and 544 tulip tree. Moving memorial trees is a sensitive issue. As the Head of Arboricultural Services suggested at pre-application stage, the applicant has made efforts to contact the relatives of those connected with the trees. The tree report (6.32) states that the mother of the individual for whom T523 was planted has expressed agreement to transplanting, but relatives of the individual for whom T544 was planted cannot be reached. It is regrettable that contact has not been able to be established regarding T544.

The Head of Arboricultural Services commented at pre-application stage that the trees have been growing in the garden for an assumed 10-15 years, so there would be a considerable risk of the trees failing following transplanting, particularly as it is not intended to prepare the trees for transplanting in accordance with the recommendations in 'British Standard 8545: 2014 (Trees: from nursery to independence in the landscape Recommendations)'.

The applicant has now clarified that tree 523 has been in situ since 2015 and T544 since 2013, i.e., 7 and 9 years respectively. Whilst the risk of moving these trees is less than it would be had they been established for longer, there remains a risk that these trees will fail if moved. Whilst new trees could be sourced and planted if the existing trees died as a result of transplanting, the symbolism of the act of commemoration would be undermined. The Head of Arboricultural Services raises concerns about the likelihood of success of transplanting, but subject to conditions to control the method of transplanting she does not consider that this would be sufficient reason for refusal of the planning application.

Proposed tree surgery

The tree report says crown lifting of trees is proposed to provide a general clearance above ground level of 5m. Lifting the crowns of all trees to 5m from ground level is intended for construction access and to allow light to proposed new planting, with the exception of trees 511, 512, 522, 527, 537 as these five trees are identified as unsuitable for this type of tree surgery.

The Head of Arboricultural Services commented at pre-application stage that if the majority of trees are lifted to 5m above ground level, the applicant should reconsider the approach to future management of the trees to allow lower branches to redevelop, at least in some instances, in order to create a less regimented and more informal appearance to the trees as befits the picturesque garden setting. The applicant has advised that this is understood and supported, and can be incorporated into the management plan of the Square.

The applicant acknowledges that further detail will be required relating to the specific works to each individual tree, and a planning condition is proposed for this.

Proposed soft landscaping

The creation of a shaded garden is welcomed in principle, as is the intention to increase the diversity of planting by introducing tree and shrub species and ground level planting. 46 new trees are proposed, the majority of which are small growing ornamental species.

The proposed meandering path complements and reinforces the intended informal nature of the shaded garden area, but the number of 'social ovals' creates an over-elaborate and fussy appearance and the Head of Arboricultural Services questions the necessity of such a large number of these ovals. She also raises concerns over the appearance and number of proposed 'mounds', of varying size and up to 800mm height, which would add to the cluttered appearance. She considers that it would be preferable to see a simpler design and to reduce the number of these features. Also, whilst she understands that these ovals are intended to provide a sense of privacy and enclosure to users of the garden, this enclosure would clearly need to be balanced with ensuring the ovals are not used for anti-social purposes – this is a concern raised by the Designing Out Crime Officer, discussed below.

The applicant has not submitted full landscaping details for approval but an indicative planting and horticultural strategy has been provided. The Head of Arboricultural Services does not raise objections to the proposed planting in principle, but careful consideration will need to be given to number, spacing and placement of new trees to allow them to develop to their full potential. In addition, of the proposed 46 new trees, 21 are cherries (*Prunus*) and 13 are dogwoods (*Cornus*), which equates to 74% of all of the proposed trees. It would seem appropriate to explore a greater variety of trees, in order to maximise diversity of species. There are a number of species which could be selected, which would perform a similar landscape function to some of the proposed trees. A condition requiring the submission of a planting scheme is proposed.

Proposed hedge removal

The existing holly hedge around the perimeter of the Square is an attractive feature of the garden. It is a strong visual boundary element and creates privacy and a sense of enclosure for garden users. The removal of the hedge would be regrettable on this basis. After some discussion about whether parts of the existing hedge could be retained, the applicant does not consider this to be feasible. The intention is to provide a new hedge with a greater species mix and therefore greater potential benefit to biodiversity. Increasing biodiversity is a policy aim of the City Plan but biodiversity is not solely a function of numbers of species. Species abundance is also important, and holly hedges are not believed to be particularly common in Westminster. Whilst increasing the number of species in the garden is very welcome, the Head of Arboricultural Services is not convinced that this necessitates the removal of the holly hedge and suggests that the applicant reconsiders this aspect of the proposal, with a view to retaining the existing hedge in whole or in part. This matter can be further discussed as part of the submission of details at a later date.

Root protection areas (RPAs) and terminology

The tree report identifies the RPAs of the trees. There is some disagreement between the Head of Arboricultural Services and the applicant concerning the extent of the RPA and their relationship with the surrounding carriageways. There is a condition protecting the tree roots prior to any excavation works and informatives give further advice on this matter are included in the draft decision.

Impacts on retained trees

There are various aspects of the specific proposals which must be considered in terms of their potential impacts on the trees.

i. Proposed landscape level changes

Levels are proposed to be increased throughout the garden to a 'consolidated' depth of 150mm, by adding a 50mm layer of washed sand topped with organic rich topsoil. It is not stated if consolidation is intended to be a natural process, but it is assumed that the initial build up will be in excess of 150mm. The actual build up at construction stage is not stated. The Design and Access Statement says that the proposed depth of the new mulch layer will be optimised during detailed design stages to ensure the best outcome for both the new plants, and the existing trees on site. This statement introduces uncertainty into the actual depths proposed.

Plans show a layout and section of the increased levels, including provision to reduce the depth of the washed sand/ topsoil close to the trunks of existing trees. Adding an organic layer to improve soil conditions for trees or for moisture retention is not contentious, but the proposed 150mm depth build up (as consolidated) over the entirety of the proposed shaded garden seems excessive, and is likely to be damaging to retained trees. Most landscape specifications for mulching are between 50-75mm. The use of a mulch layer below existing trees as practiced at Kew Gardens and elsewhere is well known, but it is believed that the mulch is not applied to 150mm depth, or over.

The submitted documents set out that the increase in the garden level is intended to establish planting and benefit trees. The applicant has advised that it is not proposed to increase levels in order to facilitate the construction of hard landscaping, but it is believed that an increase in levels is proposed, (whether primarily or secondarily), in order to limit excavation below existing ground levels, which would be required for foundations for paths, benches and lighting columns, utilities, and indeed most of the infrastructure which is proposed.

Even with the raised soil levels in the garden, as indicated in parts of the submission, there would be a drop from path level to garden level of about 88 mm. The applicant has advised that the creation of 'floating' pathways was a design intent, but there are concerns that such a drop would be appear rather awkward, and would create a trip hazard.

The Head of Arboricultural Services therefore raises concerns over the proposed landscape level increase, and remains of the view that the applicant should consider a reduction in the proposed depth of build-up, and revise the approach to level changes to

remove the 150mm (plus) level increase over all of the proposed shaded garden. A condition is proposed requiring the submission of details of the profile and specification of any proposed build up in levels.

ii. Proposed paths and social ovals

The meandering path around the perimeter of the park and the social ovals are intended to be permeable and constructed above ground level to minimise damage to existing trees. Stone paths are proposed elsewhere in the garden. Where the surfaces are in the RPAs of trees, screw piles are intended to support the paths/ ovals. The Head of Arboricultural Services does raise concerns about the drop from path/ oval level to garden level at (i) above. Supporting the proposed hard surfacing with screw piles is likely to result in root severance, and also gives rise to concern. A condition requires that details of path construction are reserved, with an informative added regarding screw piling.

iii. New entrance points

Excavation is proposed to achieve level thresholds with the existing pavement at the six access points to the Square. Five stone paths at pedestrian entrance points require excavation of up to 176mm in the RPAs areas of trees, with additional excavation for screw piles supporting a metal grid below the stone surfacing. One wide stone path for vehicular access requires excavation of 186mm in the RPA areas of trees, with additional excavation for screw piles supporting a metal grid below the stone surfacing.

Whilst it may be possible to excavate to up to 186mm depth without harm to tree roots, the Head of Arboricultural Services raises concerns about this and the proposal to support the proposed hard surfacing with screw piles, which is likely to result in root severance. Of particular concern is the impact on the London plane T529 adjacent to the southern vehicular access, where a large proportion of the RPA of the tree is intended to be piled. A condition requires the submission of further details.

iv. Central mound

A central mound is proposed to a maximum height of 1200mm in the centre of the oval. The build-up has the potential to impact on some of the London plane tree. The tree report says maximum increased in soil levels in the RPAs of these trees will be 300mm. A French drain is suggested to alleviate flooding which, as indicated, would result in excavation in the RPA of trees 522 and 540, and at the perimeter of the RPAs of 519 and 542. The Head of Arboricultural Services raises concern about the potential impact of the mound and drainage arrangements on the trees, and suggests that levels changes are removed or restricted in the RPAs of the trees to limit the likelihood of damage. A condition is imposed requiring details of the level changes and the composition of any proposed build up.

v. Buildings beneath trees

Two buildings are proposed beneath two London on piled foundations. The tree report says it is intended to use micropiles, to support the buildings. The piles as indicated have a diameter of 115-165mm: 22 piles shown in the RPA of one tree and 33 piles in

the RPA of the other tree. Additional piling is proposed in the RPAs of these trees for paths and ovals.

Although the piles are proposed to be small diameter, it appears almost inevitable that the piling to such an extent in such close proximity to the trees would result in severance of significant roots. The tree report says that a ground penetrating radar (GPR) survey found the majority of roots in the top 1m of the soil piles could be located to avoid roots. However, the GPR survey did not attempt to find roots below 1m depth, so whether roots deeper within the soil profile would be severed as a result of the proposed piling is unknown, and there is a high risk of damage to roots in the upper 1m profile of the soil too. In addition, it would be very difficult to avoid compaction in the RPAs of the trees whilst undertaking piling operations. The buildings are within 1m of the trees, with the roof of the building adjacent to T528 almost touching the trunk of the tree. The section drawings also indicates a step up to the finished floor level would be required to accommodate the raised floor levels of the buildings.

The Head of Arboricultural Services raises objections to buildings in these locations, on the basis of likely harm of the health and longevity of the trees. The applicant has been asked to reconsider the location of the proposed buildings, and whilst there has been a minimal change to one building, no further changes are proposed. Again, whilst sympathetic to the concerns of the Head of Arboricultural Services, it is considered that the proposed conditions should provide adequate safeguards.

vi. Railings

Excavation for a concrete ground beam and screw piled foundations of about 80mm diameter (plus additional diameter for the 'thread' of the screw pile) would be required to support the proposed railings, with piles at 1m staggered centres. The Head of Arboricultural Services suggested at pre-application stage that it would be prudent to investigate whether the existing foundation for the plinth that surrounds the garden is of sufficient depth to support the proposed new railings, which if it is adequate would negate the need for piles, but this appears not to have been done. Whilst there are concerns about the impact of the excavation for the foundations of the railings on the retained trees, details of the foundations are reserved by condition.

vii. Benches

The Design and Access Statement shows excavation for screw piles for the benches surrounding the central oval, with additional excavation for heave protection. Excavation to support benches in the proposed social ovals and at arrival points would also be required. There are concerns about the impact of the excavation for the foundations of the benches on the retained trees but details of the foundations are reserved by condition.

viii. Lighting

44 lighting columns of 5-12 m in height are proposed. Four screw piles of 90mm diameter plus the diameter of 'threads' of the piles are proposed to support each light column; numerous path lights and spot lights are proposed, and the submission indicates excavation for trenches for the power supplies throughout the garden. The

Design and Access Statement indicates excavation to 300mm below existing ground level to connect the power supply to the lighting columns.

A considerable number of the proposed lighting columns are proposed in the RPAs of trees and whilst noting the intended flexibility in pile locations, and the precautions outlined in the Design and Access Statement, the Head of Arboricultural Services believes that there is likely to be conflict between lighting columns and tree roots and tree canopies in some locations and raises concerns about this and the extent of excavation likely to be required for power supplies. It is recommended that the details of excavation required for power supplies and other utilities are reserved by condition.

ix. Mounds and swales

Indicative sections show mounds are proposed to be up to 800mm in height and swales to 450mm in depth. The swales are intended to form temporary pools following heavy rainfall and to drain into soakaways, the size and design of which are not set out. Whilst the submission indicates that these features are intended to be outside RPAs, this is not wholly the case, which gives rise to concern about potential impact on trees. In addition, there are concerns that the level changes for mounds and swales are likely to create a rather cluttered appearance to the garden. The Head of Arboricultural Services considers that a reduction in the number of mounds and more limited changes in levels would be more appropriate, but the details are reserved by condition.

x. Rain funnels/ waterfall canopies

The proposed rain funnels/ waterfall canopies are proposed in the RPAs of two trees (refs. 540 and 545). In the case of tree 545 the funnel is located directly below the tree canopy. Excavation would be required for the four supports for each funnel, with pipework to the underground storage tank, lighting, light ducting, a pumping station and benches. The Head of Arboricultural Services raises concerns because it seems inappropriate to locate a rain funnel underneath the canopy of a tree. She also raises concerns about the extent of excavation likely to be required and concomitant root damage and harm to the trees, and suggests that the location of these rain funnels is reconsidered.

Their location has been revised to some extent to set them back and away from the central oval lawn so they are less prominent in design terms. The concerns of the Head of Arboricultural Services are noted but it is considered that conditions requiring the submission of more details should adequately address those concerns.

xi. Other water features/ below ground water infrastructure

Excavation is proposed in the RPA of a number of retained trees for screw pile supports for the proposed rill, and for water pipes. There are concerns about the excavation likely to be required and the potential impact on the trees, but details of the excavation required are reserved by condition.

xii. Other utilities

In addition to excavation for power and water, excavation is likely to be required for a

telecommunications/ data connection to the proposed gardeners building, and there is a concern that this has the potential to impact on the adjacent tree. Again, details of the excavation required are reserved by condition.

Demolition and construction arrangements, sequencing and arboricultural method statement

The proposed demolition and construction arrangements are provisional and in draft form, and are based on the closure of the entire square for the duration of the works. The draft proposal is for vehicular construction access from north and south access points and for works to take place over 22 months. Although in draft form and possibly subject to change, the Head of Arboricultural Services considers that there does appear to be an obvious potential conflict with trees with regard to the proposed northern construction access, and, potentially at the southern access too with regard to the tree canopies. Further detail will be required in accordance with the recommendations in the British Standard 5837: 2012.

The tree report says a future arboricultural method statement will detail the tree protection measures and methods of work to be adopted, which will apply to all works within the tree protection zone. Given all of the concerns outlined above, and in the absence of a conclusive construction management plan, the Head of Arboricultural Services does raise concerns about the impact on trees as a result of demolition and construction arrangements. However, it is recommended that there is an arboricultural method statement that includes site specific tree protection details, rather than the standard and generic text which is frequently encountered, and the demolition and construction arrangements and sequencing are aligned with the arboricultural method statement.

Green roofs

Green roofs are proposed on the buildings, both of which are directly below tree canopies and which gives rise to some concern about establishment and maintenance of the green roof with regard to shading from the trees, lack of natural watering due to rainfall interception by tree canopies, and leaf fall onto the roofs. It also raises concerns about future requests for inappropriate tree surgery in order to alleviate the constraints the trees pose on green roof establishment and maintenance.

A 400 mm build-up of substrate was proposed in pre-application discussions, but the Design and Access Statement now indicates an 80mm minimum build up. The applicant has advised the roofs will meet the GRO Code 2021 and will have a minimum substrate depth of 80 mm (deeper in most places). The Design and Access Statement says the roof will be a semi intensive green roof, but with regard to depth of substrate, the City Council's Environment SPD says these are typically 100mm to 200mm substrate depth – there is thus an issue regarding the depth of substrate are wholly satisfied.

With regard to green roof details required, the SPD says:

'Details of the design and construction and a management plan will be required for green roof developments at full application stage. These should include details of the depth and specification of the substrate, the number, size, species and density of the

proposed planting, and details of maintenance regime (frequency of operations, timing of operations and who is responsible), and irrigation. The irrigation provided should be sustainable (i.e., not mains water) and the roof should provide the maximum biodiversity benefits within the site constraints. It should also be demonstrated that structural requirements to accommodate a green roof site have been considered. The structure needs to be able to accommodate the additional loading required for the depth of substrate. Other constraints will also be considered at pre-application and application stage, such as height, orientation, exposure and safety.'

These details have not been satisfied and accordingly the specification and management of the green roofs are reserved by condition.

8.4 Transportation/Servicing and Waste

The site is exceptionally well served by public transport and it has a Public Transport Accessibility Level (PTAL) rating of 6B (the highest rating available). There is no cycle parking within the gardens but within Grosvenor Square there are two Santander cycle hire docking stations providing 41 docking spaces. They are located close to the existing north east and southern entrances to the site. General use cycle parking is provided at a number of locations around the Square providing 67 spaces. The proposal includes changes to the existing vehicle access on the southern boundary. The new pedestrian gates do not raise any highway or transport concerns. The replacement railings follow the existing railing line and do not extend onto highway.

Cycle Parking

Long stay cycle parking will support active travel options by staff. Long term cycle parking must be secure, accessible and weather proof. Long stay cycle parking for developments must be met within the development site itself. The London Plan Policy TS requires 1 space per 175m² of retail/restaurant use (most comparable use) - minimum 2 spaces. 145m² of the proposed structures/uses would generate a requirement of 2 spaces. 2 long term spaces are provided. This provision is welcomed and will support sustainable travel to the site for staff.

Existing on-street cycle parking is to support the surrounding area and new development is expected to meet current minimum standards to support the growth of cycling as a sustainable mode of transport. No additional short stay cycle parking spaces are proposed to support the proposed permanent uses or temporary event uses. The applicant indicates that this is because cycling is not allowed within the gardens. However, if additional short stay cycle parking were located near the entrances, visitors could access additional short stay cycle parking within the gardens. Given the interventions proposed, the Highways Planning Manager is disappointed with this approach as part of the increased use of the gardens but does not raise objection.

Car Parking

No car parking is provided for the proposed use within the development site. The site is within a Controlled Parking Zone which means anyone who does drive to the site will be subject to those controls. The impact of the change of use on parking levels will be

minimal and consistent with Policy 27.

Trip Generation

The applicant has submitted a Transport Statement providing information on the level of operation of the proposed development. It is accepted that the majority of trips associated with the site (excluding servicing activity) will be via public transport or other sustainable modes (e.g. walking, cycling). On balance, while the proposed uses will result in higher levels of activity at different times, the activity of guests arriving and departing the site will not result in significant detrimental highway safety or operation. Given the site's location, proposed use and scale of development, a formal travel plan is not considered necessary.

Servicing and Vehicle Access

Policy 29 requires off-street servicing and freight consolidation. Deliveries, goods left and waste collection on the highway create an obstruction to pedestrians and have an adverse impact on the improvements to the public realm. Delivery vehicles stopping on the highway can also result in localised congestion to other motorists. Off-street servicing is provided. The applicant has supported the application with an Operational Management Plan. This is welcomed and is secured by condition. Given the temporary nature of events within the gardens, both existing and proposed, there will be both day to day servicing needs (e.g. for the cafe, gardens maintenance) plus servicing vehicles to support the temporary events. The vehicle access arrangements are similar to the existing situation. It is noted that vehicle access will be managed with a banksman. The increase in servicing vehicle activity does not raise a highways or transport concern.

The existing southern vehicle access is altered, including the gate line being brought forward to be in line within the existing main railing alignment and widened. This also involves integration of the large inset in front of the entrance into the gardens. Although this area is not public highway, it would have the potential effect on some people with disabilities, because it would take away the ability to dodge around the level change where the footway crossover exists, albeit that this level change is quite minor. It is accepted that none of the footway around the gardens is very wide but the presence of a sign post and electric feeder pillar for the adjacent Santander cycle hire docking station mean that the proposals would reduce the pavement to 880mm at this point, which is less than the width of some wheelchairs or a double buggy.

It is therefore considered that the small drop in the kerb should be made flat, which would at least allow a single wheelchair to be able to negotiate this footway but would mean that vehicles that wish to enter the gardens would have to bump up the kerb. From the submitted drawings and vehicle tracking, it does not appear that the alterations to this vehicle access point will have any significant impact on the existing on-street Cycle Hire Docking Station or on-street parking bays. However, details of the design will need to be secured. Whilst the Highways Planning Manager has requested that this should be done with a legal agreement as the alterations may include the relocation of existing street furniture items (e.g. feeder pillars, signage etc), all to the Council's specification, and at full cost to the developer, a condition is considered to be acceptable.

Waste

An external storage compound is proposed for external garden / green waste which will be located adjacent to the gardener's office and will be screened by a wicker fence. External waste bins for the catering kiosk, educational facility and gardener's office will be provided to the east of the southern entrance to the gardens (south west of the educational facility and kiosk building). Waste will be transferred here on a regular basis prior to removal from the site. Given the garden's sensitive heritage and landscape context, an appropriate off-street servicing strategy for the new buildings has been developed that will satisfactorily accommodate the anticipated low frequency of vehicle-based delivery and servicing activity. All vehicles will enter and exit the site through the southern entrance.

However, the Projects Officer (Waste) has raised an objection on the grounds that there are no details about the waste storage provision (no designation for food waste, general waste and recycling is shown, nor capacity of the storage bins). This matter can be dealt with by condition.

8.5 **Crime and Security**

The National Planning Policy Framework (NPPF), Section 8 (Promoting healthy and safe communities) states

Planning policies and decisions should aim to achieve healthy, inclusive and safe places which:

a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages;

b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of attractive, well-designed, clear and legible pedestrian and cycle routes, and high quality public space, which encourage the active and continual use of public areas;

Section 12 (Achieving well-designed places) states

Planning policies and decisions should ensure that developments:

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁴⁹; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Relevant policies in the Westminster City Plan 2019-2040 are as follows:

38. C (People-Centred Design) –

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.

43 . B (An Inclusive and Accessible Public Realm) –

The public realm will be safe, attractive and accessible to all. Development should contribute to improving connectivity, legibility and permeability of the public realm and the network of public spaces in the city through...

5. creating clear sight lines, improve lighting and following the principles of designing out crime;

44. (Security Measures in the Public Realm) –

A. Development will provide an integrated approach to the security of the site including buildings and any associated public or private spaces.

B. Development and or public realm improvement proposals will be required to incorporate appropriate counter terrorism measures advised by the Metropolitan Police and / or the council. Where appropriate, the retrofitting of existing buildings and spaces may be required.

C. All security measures will be designed and implemented to take account of the functionality of the area and the needs of its users, and will be sensitively designed to respect the surrounding context and public realm.

The Designing Out Crime Officer, who has met with the applicant on site, has raised objections to the proposal on the grounds that it will increase the level of crime in the area and lead to an unsafe space for users. Other consultees have also raised concerns on this matter. The Designing Out Crime Officer advises that there has been a steady rise in crime within the ward of Mayfair and St James over the past 12 months, with theft, anti-social behaviour and violence and sexual offences all prominent issues, and that these must be taken into account when considering the proposed design. She also highlights the difference in crime levels between Grosvenor Square Gardens and Berkeley Square. At present, crime rates within the boundaries of Grosvenor Square Gardens are comparatively low. Berkeley Square suffers from a high level of anti-social behaviour and street drinking. It is also known as a gathering place for criminal gangs, who typically use the square to congregate during the day, sleep in the square overnight and carryout unsociable activities. One of the design features which contributes to this issue is the number of benches within the park.

The Designing Out Crime Officer has met and discussed the proposed plans with the local policing team and believes that the proposed design will allow for an increase in crime in the gardens. Grosvenor Square Gardens currently benefits from a good level of natural surveillance from the street as well as from within, giving users a sense of personal safety and security. She considers that the proposed plans will greatly reduce the level of natural surveillance throughout, creating unsafe spaces which will leave users vulnerable to personal attack and robbery. For example, the secluded Social Ovals are likely to create attractive areas for street drinkers, rough sleepers and criminal gangs to smoke drugs undetected. This will increase the crime levels within the gardens

and create an unsafe space for users, who will undoubtedly have an increased fear of crime and lack of personal safety, especially for girls and women.

Particular concerns raised by the Designing Out Crime Officer are as follows:

Social Ovals: These areas are far too enclosed and shaded by the foliage. The park should be open and visually permeable from all angles. The proposed change in ground level will also contribute to the concealment of these areas.

Waterfall Canopies: There is potential for the canopies to provide shelter for rough sleepers. The design of such instalments must not provide this opportunity.

Central Oval Benches: The sheer amount of benches proposed will encourage long stay visitors. In a setting like this we want to create a setting for resting as opposed to persons settling for prolonged periods of time.

Play Spaces: Children's play spaces must have exceptional natural surveillance and not be concealed within dense foliage.

Following their meeting, the applicant has sought to address the concerns of the Designing Out Crime Officer. The applicant states that safety and security in the gardens is taken extremely seriously, with their local property management team taking an active role in ensuring the Gardens are maintained to a high standard and monitored carefully to discourage any antisocial behaviour. A security patrol also monitors the site at night and can attend the Gardens if anything adverse is reported.

In response to the particular concerns raised about elements of the proposal, the applicant has responded in detail to these concerns (see Gerald Eve letter dated 25 April 2022 in the Background Papers), summarised as follows:

Social Ovals and Visual Surveillance

- It is intended that there will be visual permeability through the site, including to all of the social ovals both from within the gardens and from outside on the perimeter pavement. This will be achieved by appropriate planting design and active and daily management of the gardens. At this stage, the planting shown is indicative only and the detailed planting strategy will be developed during the next phase of design and approved by the Council via a condition.
- It is proposed that planting levels across the site, and particularly surrounding the outer ovals, is kept at a low level and at a low density, with the design being one of a loose, permeable and transparent concept. It is considered that the low-level planting will not create a barrier to exit or a feeling of seclusion for users of the social ovals and they will function as permeable and visible areas. The general ground layer of planting throughout the outer ovals proposes a variety of woody plant that comprise an open form without dense foliage to ground level, to be placed away from paths to avoid any visual barrier in this regard.
- The outer ovals will also have good visibility from outside the gardens due to the new railings and new perimeter hedging that will replace the existing dense

hedge which currently restricts sightlines into the gardens. These changes will improve sight lines into the gardens. The existing hedge planting around the gardens is dense and quite tall (1600mm in height), which limits visual surveillance from the adjacent perimeter pavement, could provide an opportunity to conceal weapons. The proposed replacement of this hedge with new railings (1150mm in height atop a 50mm plinth structure) and a less dense and lower-level hedge planting, will maintain a defensible boundary, while improving site lines in to and out of the gardens. The opening up of the arrival spaces, where there will be less dense hedge planting, will provide improved views into the gardens compared to the existing position.

- The applicant will have a robust Landscape Management Plan which will ensure the design intent for the landscaping is maintained, thereby preventing any overgrowth that could risk lessening visual permeability throughout the lifetime of the proposals. This will be carried out and continually managed by the applicant's on-site landscape team. [This is secured by condition.]
- The proposed lighting strategy includes low level lighting throughout the gardens including along the pathways and in the social ovals. During garden opening hours (7am to 10pm) this will come on during hours of low light and darkness. The lighting strategy can be a key consideration to deterring anti-social behaviour and criminal activity. The applicant will ensure that the detailed design (which is subject to a condition) responds to this requirement and further consultation with the Metropolitan Police is encouraged.

Waterfall Canopies

The applicant advises that it is not at this stage held to a particular design for the waterfall canopies as it is expected to evolve and be developed as part of further detailed design work. As such, it will look to liaise and work with the Metropolitan Police to develop a design which mitigates their concerns of the Metropolitan Police. (The detailed design of the canopies is conditioned.)

Central Oval Benches

In response to the concern that the proposed benches will encourage long stay visitors, the applicant comments that the intention is not to create a transitional space, but rather one that encourages users to stop and rest for a while and to enjoy the gardens. However, the detailed design of the seating will ensure that it is not suitable for long-term sleeping, and the detailed design is conditioned and can be subject to further consultation with the Metropolitan Police.

In addition, the proposed Operational Management Plan will deter rough sleeping: the gardens will be closed and locked at night from 10pm and there will be a security sweep of the site before the gates are locked and any visitors will be asked to leave. The use of lighting will also help to deter anti-social behaviour, along with night motion sensor cameras linked to an external security service which will detect any unauthorised activity, followed up with a security patrol to the site.

Play Space

The applicant agrees with the Designing Out Crime Officer that the children's play spaces must have exceptional natural surveillance and not be concealed within dense foliage. The location of the 'play zone' in the southwest corner of site has been selected as it receives good amounts of daylight whilst being sheltered by the higher tree canopies above. Located in proximity to the outer pathway and other social ovals, it is intended that the space will have good levels of natural surveillance, with particular attention to maintaining low level planting around the play zones. The same approach will be taken to other informal play features in other parts of the gardens. The detailed planting design, including that around the play areas, and the details of the play areas themselves and the play equipment, are all conditioned.

Building Overhangs

At the site visit between the Designing Out Crime Officer and the applicant, it was apparently indicated that any overhang created on the proposed buildings would represent an opportunity to attract rough sleepers. The overhang depth of the 2 buildings is between 2.6m and 3.8m. To address this concern, the applicant proposes to commit to exploring a design for shutters which will be used each evening before the site is locked to remove any opportunity for long stay visitors. However, this matter has not been discussed with officers and no details have been provided. It is considered to represent a potentially significant design alteration, not only from the shutters themselves (which it is acknowledged would only be down at night-time) but the housing for the shutters. This matter needs separate consideration and if necessary an amending application might be required.

The applicant argues that the existing management plan in place at Grosvenor Square Gardens has been very successful to date, as indicated by the low level of incidents being reported. It is proposed to continue such management and to maintain an appropriate level of staffing and on-site surveillance by both the on-site landscape management team and permanent staff. The proposals introduce a permanent CCTV system, with appropriate signage informing the public that CCTV is in operation within the gardens (currently there is none unless there is an event under the applicant's events licence in which case temporary CCTV is brought into the Gardens). These measures will deter anti-social behaviour and rough sleepers.

Officers acknowledge and understand the concerns raised by the Designing Out Crime Officer and other objectors about the crime and security issues raised by the proposals, and it is noted that there are relevant planning policies covering these matters. Although some of these concerns have been raised at a late stage in the application process, it is considered that they can be dealt with by condition. This is considered to address these objections and the applicant is encouraged to fulfil their commitment to continue liaising with the Metropolitan Police.

8.6 Economic Considerations

Any general economic benefits arising from the proposals would be welcomed.

8.7 Access

There is level access throughout the development, including the new toilets, which is welcomed.

It is noted that Place Shaping/The Oxford Street District team have commented that whilst they generally welcome the proposals for level access and well-defined gateways to the square, they consider that the loss of the recessed spaces at the existing entrances is detrimental to the visitor experience in orientating themselves. However, the proposals generally open up the entrances and have spaces immediately within the gates, so the impact on the visitor experience is considered to be marginal or even slightly improved.

8.8 Other UDP/Westminster Policy Considerations

Air Quality

Policy SI 1 (Improving air quality) of the London Plan, City Plan Policy 32 (Air quality) and Mayfair Neighbourhood Plan Policy MES1 (Air Quality) deal with commitments to improving air quality. An Air Quality and Odour Assessment has been submitted in support of the applications. Results of the Air Quality Neutral Assessment have indicated that building and transport emissions associated with the proposed development can be considered neutral and no further mitigation measures or additional abatement will be required and thus comply with the above policies.

Lighting and CCTV

The gardens are currently unlit at night. Another new feature within the gardens will be the addition of lighting. A variety of lighting measures are introduced including 44 new lighting columns, as well as path lighting and low-level spotlights, associated with the memorials. There will be a hierarchy of lighting columns, with the largest at 12m tall located as pairs to the four corner entrances, which are intended both to light the entry points but also because of their height to act as legible gateway points into the gardens. The columns will have a contemporary appearance with directional spotlights and some of these will also feature integrated smart technologies such as WIFI, CCTV and data collectors. The columns will be predominantly positioned within the shaded garden areas although there will be some 5m tall columns to the edge of the oval perimeter path. The lighting columns are proposed to be dove grey in colour.

The proposed lighting strategy looks to optimise a natural habitat and minimise adverse impacts of artificial lighting at night. It is proposed to light the square with minimal use of up-lighting, as this is a technique of lighting considered to be detrimental to the habitat of animals, and will seek to create healthy natural habitats and welcoming public space, which will be achieved through, for example, reducing glare and eliminating obtrusive light; prioritising considerations for nesting birds; subtle lighting to showcase the green infrastructure; utilising the latest technologies and control systems to create programmed scenes that provide appropriate levels of light for active hours and for darkness; and use of light sparingly at night, with warmer colour temperatures which supports bats (foraging and nesting). The proposed lighting will therefore look to minimise the impact of glare and light spill on local amenity / residential amenity and on biodiversity, in accordance with City Plan Policy 33.

The provision of lighting and the CCTV is welcome, subject to a condition requiring details of the fittings, the hours that the lighting will be on and how the lighting and CCTV is to be managed. This also has implication for crime and security, considered below.

Sustainability

London Plan policies (particularly SI 2, Minimising greenhouse gas emissions), the Council's City Plan 2019-2040 (in particular Policy 36, Energy) and Mayfair Neighbourhood Plan Policy MES4 (Carbon) all encourage sustainability and renewable energy to help reduce levels of carbon. As part of the submission there is a comprehensive Sustainability and Energy Statement which seeks to demonstrate that these proposal incorporate exemplar levels of sustainable design.

In terms of operational energy and carbon, the limited scale of the buildings that are proposed mean they are not subject to set performance requirements beyond building regulations. However, to demonstrate best practice approach, the GLA's energy hierarchy has been applied to the building to limit their associated operational carbon emissions, in accordance with the above policies. Mayfair Neighbourhood Plan Policy MES3 (Materials) is also applicable, in seeking to reduce and reuse demolition waste as a construction material where possible and adopt sustainable and responsible sourcing approaches.

Given the competing demands for the gardens and their principle role as open space, there is limited scope for renewable energy features in this scheme. However, the proposal does include air source heat pumps and VRF heat pumps. In addition to this, it is proposed to install six ground-mounted photovoltaic modules in the gardener's external store area. The PVs will supply electricity to the pumping systems for the variety of water features on site such as the waterfall canopies and rills.

Given the emphasis on planting, it is noted that the site will sequest carbon as the trees and plants mature. This will look to improve soil health and act as a natural carbon sink. Pumping associated with the Site's water management strategy falls outside of the Building Regulations. However, the design proposals have looked to limit the amount of active pumping requirement and utilise gravity-based solutions as much as possible. When active pumping is required the energy required will be offset by the energy generated on site by the solar photovoltaic panels.

Policy SI 5 of the London Plan seeks to minimise the use of water and conserve water resources. Policy 38 of the City Plan requires that development will enable the extended lifetime of buildings and spaces and respond to the likely risks and consequences of climate change by incorporating principles of sustainable design. The proposals include a number of water features: in terms of climate resilience, water conservation and sustainable design, the following measures are proposed as part of the application in accordance with the above policies:

- The soft landscaping and planting strategy will be diverse to provide resilience against the future effects of climate change;
- The new design will increase the number of vegetation layers to create a more complex ecological system. More complex ecosystems support greater biodiversity and are more resilience to stresses and disturbances caused by extreme weather events;

- The proposals will include the following in order to improve the management of surface water: directing rainwater and surface water into the soil and soakaway via swales; creating a number of water features for interest, summer cooling and habitat; and collecting rainwater falling within the site and storing the rainwater (within an underground rainwater harvesting tank) for top-up of water features and for occasional irrigation. The estimated rainwater harvesting tank size of 358 cubic metres has been determined by estimating the demand;
- The proposals will provide a combination of planting, green roofs, soil improvement, swales, stone underdrains and rainwater harvesting which will have the capacity to cope with future climate change and to endure rainstorm events. The site is capable of holding the surface water onsite and subsequently allowing it to infiltrate into soakaways without causing any surface water problems on the site or neighbouring roads/ properties.

In terms of water efficiency as per the London Plan Policy SI 5 on Water Infrastructure, the proposals will achieve at least the BREEAM 'Excellent' Standard for the WAT 01 water category or equivalent. Water meters will be specified on the main supply and sub-metering in line with the BREEAM requirements.

In accordance with Policy SI 7 of the London Plan, the principles of circular economy are being adopted for the site. This has been built around three principles:

- Conserve resources, increase efficiency and source sustainably
- Design to eliminate waste
- Manage waste sustainably and at the highest value

The Sustainability and Energy Statement explains that material use will be reduced or optimised through design, specification and construction techniques. Targets will be set and monitored throughout the construction process. In terms of waste, during the construction phase, a large amount of waste material will be generated through construction, demolition and land clearing procedures. Prior to commencement on site a Resource Management Plan (RMP) that complies with the requirements of current legislation and BREEAM will be prepared. This will include procedures and targets. The Proposed Development's target is to achieve more than 95% of construction waste be diverted away from landfill.

In terms of operational waste, procedures will be put in place to handle the separation, collection, and storage of common recyclable materials such as paper, glass, plastics, organic waste and metal. The main aim will be to recycle as much waste as possible, which will be achieved by making sure that waste recycling facilities are strategically placed in convenient locations and accessible to all users. Dedicated storage space for recyclable materials are proposed.

Biodiversity

Prior to the submission of the application the applicant commissioned The Ecology Consultancy in June 2020 to carry out a Preliminary Ecological Appraisal (PEA), comprising a Phase 1 habitat survey, protected species assessment and ecological evaluation of land at the site. This was followed by a further bat survey and a breeding bird survey in spring and summer 2021.

Matters relating to avoiding and minimise impacts on biodiversity and to provide net gains in biodiversity when making planning decisions are set out in paragraphs 174 and 180 of the NPPF; London Plan policies G1 (Green Infrastructure) G5 (Urban Greening) and G6 (Biodiversity and access to nature); Westminster's City Plan policies 33 (Local Environmental Impacts), 34 (Green Infrastructure) and the Environmental SPD Adopted 2022; and policies MGS1 (Mayfair's Green Spaces) and MGI (Green Infrastructure)

The main findings of the PEA were as follows:

- Bats - Due to the high ambient level of light pollution and surrounding disturbance, the site had negligible potential to support roosting bats.
- Breeding birds - The shrubs, trees and hedges in the site had high potential to support common and declining species of breeding birds.
- Terrestrial Invertebrates - The site contains a limited variety of habitats that are likely to support a range of invertebrate species.

To enhance the importance of the site for biodiversity, and in line with national, regional and local plan policies, the PEA recommended the incorporation of: new ponds and water features; wildflower grassland to support a higher diversity of invertebrates, which in turn supports other wildlife including bats, birds, reptiles and amphibians; prairie style planting which is an informal planting style, rich in pollen for insects, and uses bold blocks of plants and colours, and allows grasses and flowers to self-seed and colonise; native, species-rich hedgerows; climbing plants in the form of a "green wall"; and the provision of bird, bat and insect nesting opportunities.

The proposals will thus introduce a variety of landscape features and habitats to the site, including:

- A shaded garden will be planted beneath the shade of the tree canopies, creating a woodland park;
- Habitats for invertebrates will be provided in the form of two large standing dead wood features, as well as dead wood piles at multiple locations throughout the shaded garden;
- Rain gardens will be provided throughout the shaded garden creating habitat variety and associated biodiversity and holding/infiltration capacity for rainfall;
- 150 m² of wetland marsh area with aquatic planting is proposed for the site, using native wetland species.
- A gently rising mound is proposed to form an oval clearing in the centre of the site, which will be planted with a diverse flowering lawn using species of benefit to wildlife. This lawn will contain 12 native species of flowering plants of short grasslands combined with native fine leaved grasses. This will increase biodiversity, pollinator provision and provide seasonal variety;
- Flowering trees and flowering dogwoods are to be planted throughout the Site, which will provide a nectar resource for invertebrates and winter berries for birds;
- 46 new small and medium sized trees will be planted, diversifying the canopy and providing a greater variety of habitat;
- The single species, non-fruiting, holly hedgerow is to be replaced with a diverse mixed species hedge using 9 native broadleaf species, providing structural habitat, fruiting and flowering. Further boundary planting is proposed along the inside of the

hedge to provide an 'interior edge ecotone'.

In terms of functional ecosystems, the proposals will deliver multifunctional green infrastructure, increasing ecological resilience and delivering improved ecosystem services such as sequestration, cooling, flood resilience, pollution alleviation and wellbeing. The applicant's community objectives include strengthening people's affinity with nature, providing engagement and learning opportunities and bringing wildlife into the community. All this is welcomed.

The variety of proposed landscape features and habitats will contribute to the greening of the site and Westminster, and it is considered that the proposal is in full accordance with the relevant policies listed above. There have been objections that the structural design is inappropriate given climate change and that the central area will be scorching in summer and grass will dry out: to some extent this claim could equally apply to the current layout, albeit much of the grassed areas are shaded by trees. The above indicates that the proposals incorporate a number of new sustainable and biodiverse elements which seeks to address climate change and provide a more robust design that meets a variety of situations. Accordingly these objections are not considered to be sustainable.

Archaeology

An Archaeological desk-based assessment has been submitted in support of the application. Archaeological matters are set out in Paragraph 194 of the NPPF, London Plan Policy HC1 (Heritage Conservation and Growth) Part D and City Plan Policy 39 (Westminster's heritage).

Historic England (Archaeology) consider this to be potentially an important site for garden history and a rare opportunity for an archaeological investigation. They have no objection to the proposals but have requested a pre-commencement condition that requires the submission of a written scheme of investigation and a programme of public participation. The applicant has agreed to this.

Noise

Apart from any equipment required for the management of the water features, the proposal also includes mechanical plant as part of the kitchen extract system in the educational building. This has been assessed by Environmental Sciences, who have no objection subject to the standard condition controlling noise levels.

Flood Risk

The site lies in Flood Zone 1 which confirms that it is at low risk of flooding from rivers and the sea. There is no history of flooding within Grosvenor Square Gardens, although surface water flooding does occur in the street at the north-east corner of Grosvenor Square following heavy downpours. As the site is in the Flood Zone 1, all development is appropriate and therefore the sequential and exception tests are not required.

It is noted that the overall surface water flows into the existing Thames Water sewers will remain as in the existing situation. As there is no increase in surface water discharge to the public sewers, there is no increase in flood risk from the site to other properties. The applicant submitted a pre-planning enquiry to Thames Water Utilities for foul and potable water. Thames Water have confirmed that there is sufficient capacity within the existing

Thames Water Network.

The sustainable drainage approach considers flooding (water quantity), water quality (pollution in runoff), biodiversity and amenity. The intention is to deal with rainfall where it falls and keep it on site through interception (by trees and other vegetation), infiltration (into the ground) and subsequent evaporation or evapotranspiration. Water will not be discharged deliberately off-site or into sewers.

Amongst the sustainable water features incorporated into the scheme, the new central stone oval path will be used to harvest rainwater, which can be stored for re-use in irrigation or to supply water features. The stone path will include a dished channel or rill, that will collect rainwater from the path (and in some locations adjacent paths). Water will run along the northern and southern sections of the rill towards the east of the site where it will drain into an underground tank. Before entering the underground tank, water will pass through a trash screen and filter. The tank will be formed from structural storm crates, with a waterproof wrapping to preventing losses to ground. An overflow will run to a soakaway. Water in the tank will be used to feed the rill, fountains, ponds, and rainwater baskets and irrigation taps.

8.9 Westminster City 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 s.38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan adopted in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 8.9). As set out in s.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.

8.10 Neighbourhood Plans

The Mayfair Neighbourhood Plan includes policies on a range of matters including character, heritage, community uses, retail, offices, housing, cultural uses, transport and the environment. It has been through independent examination and supported at referendum on 31 October 2019, and therefore now forms part of Westminster's statutory development plan. It will be used alongside the council's own planning documents and the Mayor's London Plan in determining planning applications in the Mayfair Neighbourhood Area. 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 elsewhere in this report.

8.11 London Plan

This application raises no strategic issues and is not referable to the Mayor of London.

8.12 National Policy/Guidance Considerations

The City Plan 2019 - 2040 (April 2021) policies referred to in the consideration of this application are considered to be consistent with the NPPF 2021 unless stated otherwise.

Further to the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the City Council cannot impose a pre-commencement condition (a condition which must be discharged before works can start on site) on a planning permission without the written agreement of the applicant, unless the applicant fails to provide a substantive response within a 10 day period following notification of the proposed condition, the reason for the condition and justification for the condition by the City Council.

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 works to the trees and the archaeological requirements. The applicant has agreed to the imposition of these conditions.

8.13 Planning Obligations

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

8.14 Environmental Impact Assessment

This is not required for this application.

8.15 Other Issues

Construction impact

There have been objections about the noise and disturbance caused during the proposed works. This is not a sustainable objection that justifies refusal of the applications but the Council's standard restriction on when noisy works can take place has been added to the draft decision letter to protect residents' amenity.

Although the proposed works are spatially extensive, it is not considered that they are subject to the Council's Code of Construction Practice (CoCP) which applies to all basement and major development sites, as this is technically not a 'major' development. The application is accompanied by a draft Construction Management Plan (CMP), which the applicant advises has been developed to ensure the works are carried out in accordance with City of Westminster Code of Construction Practice (CoCP) July 2016 and the CoCP 2021 that was at the time under consultation and subsequently adopted in February 2022. The draft CMP sets out details of the works required to carry out the enabling and construction activities involved, outlining their anticipated timescales and identifying the environmental impact of the works and, where practicable, proposals for how these are to be mitigated. The principles set out will be developed by the appointed Contractor for ongoing review and approval by the relevant authorities within WCC and other key development stakeholders. It is therefore considered to be appropriate for a condition requiring a final version to be submitted before any demolition works begin.

Other legal considerations

As noted above, the site is subject to the Roosevelt Memorial Act 1946 which regulates its use. In this regard, the applicant advises that it has sought legal advice following the recent judgement in the High Court in London Parks and Historic Gardens Trust v. Minister of State for Housing and Westminster City Council [2022] EWHC 829 (Admin) dated 8 April 2022 (the Holocaust Memorial case).

The normal position in planning law is that the ability to meet the terms of other (non-planning) legislation is not material to a planning decision – the planning legislation sets out the process to decide the planning acceptability of a proposal; other legislation sets out the process to decide the acceptability of other aspects under that legislation and is not therefore a material consideration in the planning process. However, in the Holocaust Memorial case, it was found that the London County Council (Improvements) Act 1900, which regulated the use of the Victoria Gardens, was a material consideration in the planning application for the Holocaust Memorial. The reasoning was firstly that the proposals for the Holocaust Memorial were (or were likely to be) inconsistent with the 1900 Act because the Memorial would significantly affect the use as a public garden. Secondly, early delivery was a key part of the planning balance given the strong public interest in delivering the Memorial during the lifetime of some Holocaust survivors. Consequently in that case, the impediment of the 1900 Act was a necessary material consideration which was not taken into account and which may have altered the decision when considering the issue of alternative sites. This was a very fact specific and unusual decision.

The applicant advises that its legal advice confirms that none of the reasoning or facts in the Holocaust Memorial judgement applies to this application. Officers agree with this assessment and do not therefore consider that the 1946 Act is a material consideration. Furthermore, the legal opinion advises that even if the 1946 Act was a material consideration (which is not accepted) then the scheme for Grosvenor Square Gardens would not infringe the requirements of the Act, unlike the position in the Holocaust Memorial case.

Management Considerations

There have been objections that the maintenance costs will increase considerably to keep the proposed vegetation up to standards, and control cleanliness etc. The applicant has committed to ensure that the gardens will be fully managed and this is part of the operational management that has been conditioned. There are also objections about mess being left by dogs, and that there should be pet free areas. The applicant has sought to address this by stating that there will be a monitoring regime and cleaning strategy to deal with this issue, but that there is also an expectation that dog owners will behave responsibly in clearing up after their dogs. With regard to the objection that there should be pet-free areas, the applicant does not agree that this is necessary. It would also need additional fencing etc that would only introduce additional clutter.

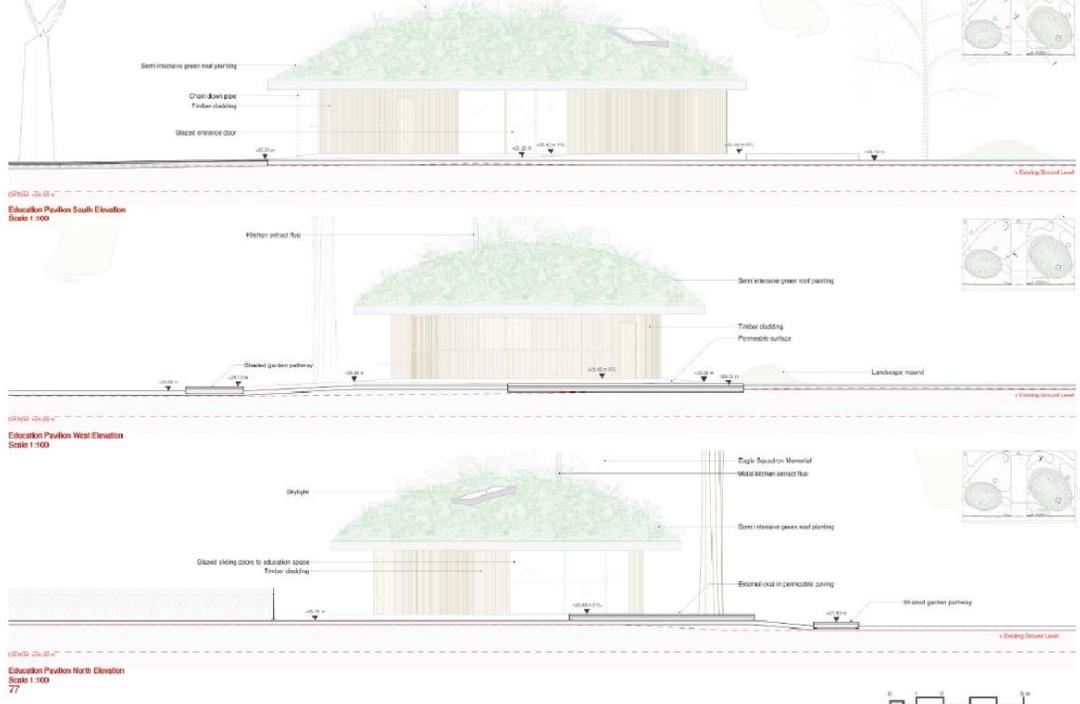
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: PAUL QUAYLE BY EMAIL AT pquayle@westminster.gov.uk

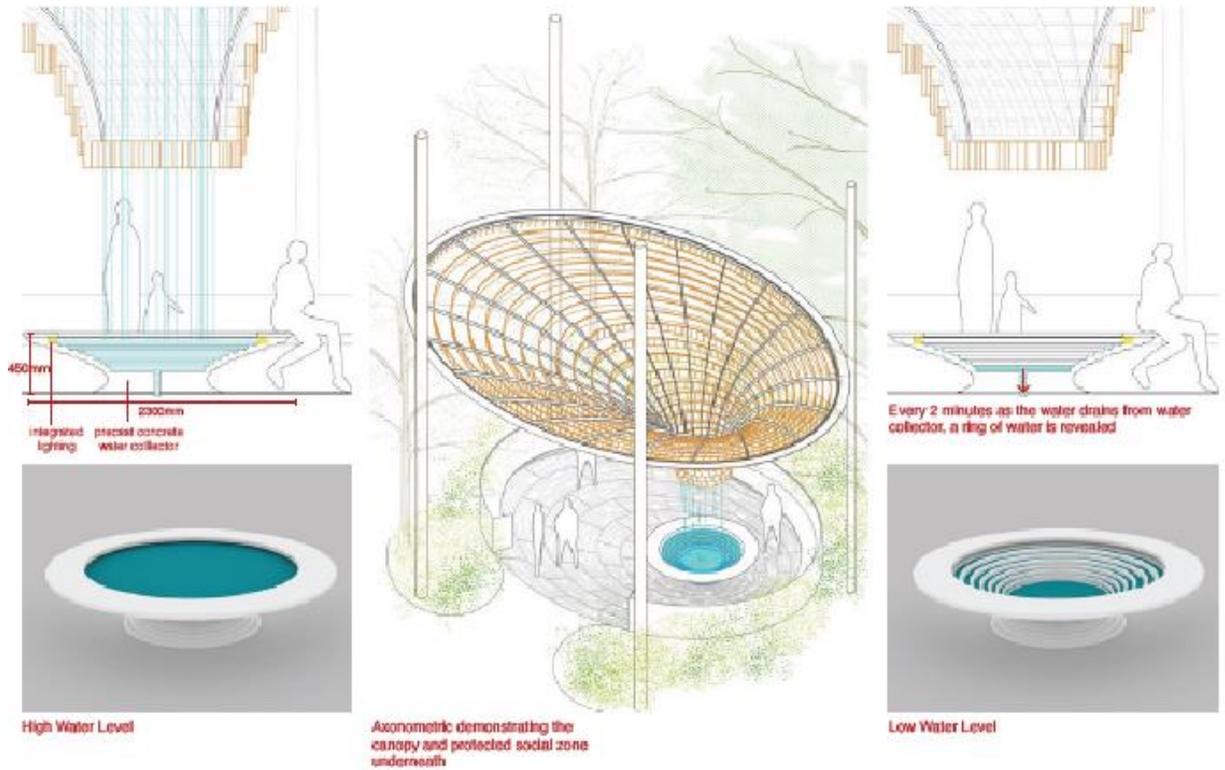
The new buildings

13.4 Buildings & Structures

Elevations



The waterfall canopies/baskets



Visualisation of the proposed railings and hedge



Aerial view of proposed layout (model)



DRAFT DECISION LETTER

Address: Grosvenor Square Gardens, Grosvenor Square, London, W1K 6LD

Proposal: Alterations to Grosvenor Square Gardens, including redesign of the gardens, comprising of hard and soft landscaping improvements, works to trees (including tree removal and new planting), with new and realigned paths, paving and rills, new perimeter railings, new western entrance, new lighting and planting, the introduction of a shaded garden and wetlands, installation of plinths for the display of sculptures/artworks, informal play areas, the construction of buildings (gardeners hut, public WCs and educational building with catering facilities (sui generis)), external gardeners store, photo voltaic panels, structures, and associated works.

Reference: 21/08289/FULL

Plan Nos: TO BE ADDED

Case Officer: Paul Quayle **Direct Tel. No.** 020 7641
07866039895

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 Visitors shall be permitted to use the gardens only between the opening hours of 07.00 to 22.00 hours, but access may be allowed to the educational building up until 23.00 hours when there is a private function.

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)

- 4 You must carry out the measures included in your 'Operational Management Plan for Education Building' dated April 2022.

Reason:

To make sure that the use of the education building 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)

- 5 You must carry out the measures included in your 'Grosvenor Square Gardens Draft Operational Management Plan' dated April 2022 at all times.

Reason:

To make sure that the use of the gardens 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).

- 6 You must apply to us for approval of details/detailed drawings of the following parts of the hard landscaping scheme in the development including:

- i) pathway materials;
- ii) the enclosures to the areas for plant, bicycle storage, garden waste, etc adjacent to buildings 1 and 2 and protective guarding to the Gardener's Pavilion;
- iii) benches and seating structures around the central oval;
- iv) structural furniture within the social ovals;
- v) the rills;
- vi) interpretation boards and signage;
- vii) drinking fountain;
- viii) public art reinforced zones;
- ix) planters, public waste bins and all other fixed furniture not otherwise specified by other conditions of this permission;
- x) the reinstated memorial plaque and inscribed paving stones associated with the Diplomatic Gates.

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 detailed drawings. (C26DB)

Reason:

To make sure that the appearance of the gardens 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)

- 7 You must apply to us for approval of details of the following parts of the development -
- i) Surfaces of the play areas;
 - ii) Play equipment. 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 detail. (C26DB)

Reason:

To make sure that the appearance of these parts of the gardens is suitable and that they 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)

- 8 You must apply to us for approval of detailed drawings of the following parts of the development - the doors, windows, rooflights, flues for the two new buildings. 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 detailed drawings.

Reason:

To make sure that the appearance of the new buildings 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)

- 9 You must apply to us for approval details of all the public art which is to be displayed at the designated public art reinforced zones before it is installed. No public art is to be displayed at any other location within the gardens (unless it receives separate planning permission) and the details must show that it is wholly within the designated zone. The details must include scaled drawings of the art itself, any supporting structure, materials to be used, how it will be maintained (specifically how graffiti will be removed) and duration of installation, including details of when the art is to be displayed (including dates of installation and removal). You must not install any public art until we have approved in writing what you have sent us. You must maintain the approved public art in accordance with the approved details.

Reason:

To make sure the art that is provided for the public is suitable in appearance for the character and appearance of the gardens and for this part of the Mayfair Conservation Area. This is as set out Policy 43(E) of the City Plan 2019 - 2040 (April 2021). (R37AC)

- 10 **Pre Commencement Condition.**, No development shall take place until a stage 1 archaeological written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no development shall take place other than in accordance with the agreed WSI, and the programme and methodology of site evaluation, the nomination of a competent person(s) or organisation to undertake the agreed works and provision for public engagement.

If heritage assets of archaeological interest are identified by stage 1 then for those parts of the site which have archaeological interest a stage 2 WSI shall be submitted to and approved by the local planning authority in writing. For land that is included within the stage 2 WSI, no development shall take place other than in accordance with the agreed stage 2 WSI, which shall include:

- A) The statement of significance and research objectives, 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) Details of mitigation measures to preserve significant archaeological discoveries in-situ and/or display or interpret them on-site.
- C) An appropriate programme of public engagement with the archaeological investigation.
- D) The programme for post-investigation assessment and subsequent analysis, publication, and dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the stage 2 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)

- 11 You must apply to us for approval of details of the recycling strategy for materials that are demolished on the site within 12 months of commencing demolition works. You must then carry out the work according to the approved details.

Reason:

To make sure that the development provides the environmental sustainability and recycling measure as discussed with Council officers and as set out in Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021). (R44AD)

- 12 You must apply to us for approval of details of all the materials you will use, including a sample of the perimeter railings and its finish, and the materials of the new buildings, and drawings 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.

Reason:

To make sure that the appearance of the works 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)

- 13 You must apply to us for approval of details of how the oval lawn is to be managed and maintained to ensure that the paving within the lawn that links the Roosevelt Memorial with the Eagle Squadron Memorial will be clearly discernible. You must not start any work on the Roosevelt Memorial 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 the memorials 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)

- 14 You must apply to us for approval of details of how you intend to light the Roosevelt Memorial and the Eagle Squadron Memorial. You must not start any work on the Roosevelt Memorial until we have approved what you have sent us. You must then carry out the work according to these details. (C26DB)

Reason:

To ensure that there is a co-ordinated programme for lighting these memorials that protects their special architectural or historic interest. 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)

- 15 You must apply to us for approval of a final version of the Construction Management Plan (CMP). You must not start any demolition works until we have approved in writing what you have sent us. You must then carry out the measures included in the approved CMP.

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 for approval of details of the following parts of the development - all highways works immediately surrounding the site required for the development, including modifications/alterations to the existing vehicle crossovers on the southern side of Grosvenor Square Gardens, which may include the relocation of existing street furniture items (eg feeder pillars, signage etc). 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:

In the interests of public safety as set out in Policies 24 and 25 of the City Plan 2019 - 2040 (April 2021). (R24BD)

- 17 You must apply to us for approval of detailed drawings of the design of all external lighting fixtures, columns, etc to Grosvenor Square Gardens, including the location of pathway lighting and other light fixtures, and the design and location of all CCTV equipment, including details of how these will be operated and managed, hours that the differing types of lighting will operate, etc. 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 reduce the chances of crime without harming the appearance of the building or the character of the Mayfair Conservation Area as set out in Policies 38, 43 and 44 of the City Plan 2019-2040 (April 2021). (R16BD)

- 18 You must provide, maintain and retain the following energy efficiency measures before you start to use any part of the development, as set out in your application - the photovoltaic panels and air-source heat pump. You must not remove any of these features. (C44AA)

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021). (R44AD)

- 19 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes:
- i) the number, size, species and position of trees and shrubs;
 - ii) the number, size and location of mounds, swales and soakaways;
 - iii) a Landscape Management Plan.

You must not commence any new planting until we have approved in writing what you have sent us. You must then carry out the landscaping and planting within 12 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 12 months of planting them, you must replace them with trees of the same size and species, (or alternative sizes and species which we agree to in writing).

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of this part of the Mayfair 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)

- 20 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the green roofs on the buildings to include construction method, layout, species and maintenance regime., , You must not commence works on the relevant part of the development until we have approved what you have sent us. You must carry out this work according to the approved details and thereafter retain and maintain in accordance with the approved management plan. (C43GA)

Reason:

To increase the biodiversity of the environment, as set out Policy 34 of the City Plan 2019 - 2040 (April 2021). (R43FC)

- 21 **Pre Commencement Condition.** You must apply to us for our approval of details the ways in which you make changes to the soil depth, composition and drainage in the

garden. The details must include a specification of any amelioration proposed for the existing soil, and the proposed new soil depths, specification and profiles, including drainage elements and other components. You must not start any work until we have approved what you have sent to us. You must then carry out the work according to the approved details.

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of this part of the Mayfair 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)

- 22 You must carry out trial excavations to investigate tree root presence for any excavation you intend to carry out in the root protection areas of trees, including excavation for foundations and utilities. If the trial excavations reveal the presence of roots of 25mm or more in diameter, or clumps of smaller diameter roots you must retain and protect these roots, and you must revise the proposed foundation location and/ or design to allow for the retention and growth of the roots. You must not start any excavation of foundations until we have approved what you have sent us. You must then carry out the work according to the approved details.

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in Policies 34 and 38 of the City Plan 2019 - 2040 (April 2021).

- 23 You must apply to us for approval of the design, depth, size, and location and means of installation of foundations for the structures and surfacing for paths and hard surfaces, benches, lighting columns, buildings, rill, railings, and rain funnels. You must not start any demolition, site clearance or building work for these items, and you must not take any equipment, machinery or materials for these items onto the site, until we have approved what you have sent us. You must then carry out the work according to the approved details.

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in Policies 34 and 38 of the City Plan 2019 - 2040 (April 2021).

- 24 **Pre Commencement Condition.** You must apply to us for our approval of the positions and method to be used to dig trenches, pipelines or ducts for services or drains. You must not start any work until we have approved what you have sent to us. The work must be carried out according to the approved details.

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in Policies 34 and 38 of the City Plan 2019 - 2040 (April 2021). (R31AD)

- 25 **Pre Commencement Condition.** You must apply to us for approval of a method

statement and tree protection plan explaining the measures you will take to protect the trees on the site and adjacent to it. You must ensure that the details you submit to satisfy the tree protection conditions are site specific and are prepared in conjunction with construction management proposals, as adequate protection of trees on/ adjacent to the site will rely heavily on an appropriate means of construction. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved in writing what you have sent us. You must then carry out the work according to the approved details.

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in Policies 34 and 38 of the City Plan 2019 - 2040 (April 2021).

- 26 **Pre Commencement Condition.** You must apply to us for our approval of details of an auditable system of arboricultural site supervision and record keeping prepared by an arboricultural consultant who is registered with the Arboricultural Association, or who has the level of qualifications and experience needed to be registered. The details of such supervision must include:
- o identification of individual responsibilities and key personnel.,
 - o induction and personnel awareness of arboricultural matters.,
 - o supervision schedule, indicating frequency and methods of site visiting and record keeping,
 - o procedures for dealing with variations and incidents.

You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved what you have sent us. You must then adhere to the approved supervision schedule. You must produce written site supervision reports after each site monitoring visit, demonstrating that you have carried out the supervision and that the tree protection is being provided in accordance with the approved scheme. If any damage to trees, root protection areas or other breaches of tree protection measures occur then details of the incident and any mitigation/amelioration must be included You must send copies of each written site supervision record to us within five days of the site visit.

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in Policies 34 and 38 of the City Plan 2019 - 2040 (April 2021).

- 27 You must apply to us in writing for permission if you want to remove any trees which you have shown that you were going to keep on the drawings hereby approved. If any trees which you have shown that you were going to keep die or become seriously damaged or diseased within five years of you completing the development, you must replace them. You must plant the replacement trees in the same place or in any other place we agree to in writing. You must apply to us for our approval of the size and species of the replacement trees, and you must plant the replacement trees within 12 months of removing the original tree or trees. You must also replace any replacement tree which dies, is removed or becomes seriously damaged or diseased within five

years of the date we give our approval for the replacement trees, in the next planting season with another of the same size and species as the one that was originally planted, (or alternative sizes and species which we agree to in writing).

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of this part of the Mayfair 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)

- 28 You must apply to us for approval of a detailed specification of the means of lifting, moving, storing, maintaining and transplanting the two memorial tulip trees (T523 and T544). If the trees die within five years of the date they were replanted, they must be replaced, in accordance with details agreed at the time with the City Council.

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of this part of the Mayfair 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)

- 29 Notwithstanding the tree surgery proposed in your tree report dated December 2021 (Appendix C revised 07 March 2022), you must apply to us for approval of a detailed specification of tree surgery and the reasons for the proposed works. You must not start work on the trees until we have approved what you have sent us. You must then carry out the tree surgery according to the approved specification.

Reason:

To protect trees and the character and appearance of the site as set out in Policies 34 and 38 of the City Plan 2019 - 2040 (April 2021). (R31CD)

- 30 You must apply to us for approval of updated details of how waste is to be stored on site and how materials for recycling will be stored separately. This must include separate waste provision for food waste, general waste and recyclable materials, including the total number of bins, labelled accordingly and with their capacities. You must not occupy the new buildings 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 new buildings. (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).

- 31 With regard to any kitchen extract plant in the education building and the air-source heat pump: (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 and where available 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.

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 draft Environmental Supplementary Planning Document (May 2021), 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)

- 32 The plant/machinery hereby permitted for the kitchen extract in the education building shall not be operated except between 07.00 hours and 23.00 hours daily. (C46CA)

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 draft Environmental Supplementary Planning Document (May 2021), 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)

- 33 You must provide each cycle parking space shown on the approved drawings prior to occupation of the development. Thereafter the cycle spaces must be retained and the space used for no other purpose. (C22FC)

Reason:

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

- 34 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)

- 35 All servicing must occur from within the off-street servicing area and carried out in accordance with the Transport, Servicing and Waste Strategy dated December 2021.

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 With regard to condition 10, written schemes 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. A specialist in the archaeology of historic gardens should be part of the project team. This condition is exempt from deemed discharge under Schedule 6 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 3 With regard to condition 16, the alterations to the highway must be to the Council's specification, at full cost (administrative, legal, and physical) to the developer, and in accordance with any separate approvals required by the City Council as the highways authority. .
- 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 For the avoidance of doubt, the illustration of the root protection areas (RPAs) of the trees as shown on the submitted plans and documents is not agreed by the City Council. The advice in the British Standard BS5837: 2012 sets out that 'Modifications to the shape of the RPA should reflect a soundly based arboricultural assessment of likely root distribution', (4.6.2). In this case a more justifiable assessment of root distribution would be to add the areas of the parts of the circular RPAs currently shown to be within the carriageways symmetrically around the remaining part of each circular RPA within the garden, to occupy the required area as defined by the initial calculation of the RPA.
- 6 Your proposals include changes in levels in levels in the root protection areas of trees, for foundations and utility trenches and in order to increase the garden levels. You should limit the changes in levels in order to minimise the risks to the retained trees.
- 7 You should use terminology relating to trees and tree protection as set out within British Standard 5837:2012, for example 'construction exclusion zone', rather than 'tree protection zone'.
- 8 You are strongly advised to continue discussions with the Designing Out Crime Officer and to ensure that where further details of the scheme are requested in the above conditions, that these take account of all potential crime and security considerations.

DRAFT DECISION LETTER

Address: Grosvenor Square Gardens, Grosvenor Square, London, W1K 6LD

Proposal: Works to Franklin Delano Roosevelt Memorial (FDR): three openings to North walls to allow for levelled access and addition of a disabled access ramp to the statue plinth, removal of stone paved path and low level forecourt and replacement with raised stone-edged path and associated works.

Reference: 21/08290/LBC

Plan Nos: TO BE ADDED

Case Officer: Paul Quayle **Direct Tel. No.** 020 7641
07866039895

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:

To protect the special architectural or historic interest of this listed memorial. 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.

- 2 All new work to the listed memorials 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 the listed memorials 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)

- 3 You must apply to us for approval of details of how you intend to light the Roosevelt Memorial and the Eagle Squadron Memorial. You must not start any work on the Roosevelt Memorial until we have approved what you have sent us. You must then carry out the work according to these details. (C26DB)

Reason:

To ensure that there is a co-ordinated programme for lighting these memorials that protects their special architectural or historic interest. 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)

- 4 You must apply to us for approval of detailed drawings of the following parts of the development - all stonework alterations to the Roosevelt Memorial. 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 detailed drawings.

Reason:

To protect the special architectural or historic interest of the listed memorial 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 **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.