

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 30 March 2021	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved St James's	
Subject of Report	The National Gallery, Trafalgar Square, London, WC2N 5DN		
Proposal	Installation of hostile vehicle mitigation security bollards and raising of the height of the perimeter wall at the National Gallery.		
Agent	Mr C Woods		
On behalf of	-		
Registered Number	20/06529/COFUL and 20/06530/COLBC	Date amended/ completed	15 October 2020
Date Application Received	15 October 2020		
Historic Building Grade	II		
Conservation Area	Trafalgar Square		

1. RECOMMENDATION

1. Grant conditional permission under Regulation 3 of the Town and Country Planning General Regulations 1992.
2. Grant conditional listed building consent.
3. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letters.

2. SUMMARY

The application proposals relate to the upper terrace to North of Trafalgar Square. The site is within the Trafalgar Square Conservation Area and adjoins The National Gallery, a nationally prestigious grade I listed building which lies to the north of Trafalgar Square. The square is a grade I registered Park and Garden which contains grade I listed Nelson's Column as well as grade II listed statues, fountains and walls. The area is of high significance and sensitivity.

Permission and consent are sought to install hostile vehicle mitigation security bollards within the setting of the National Gallery at the north east and north west edged of Trafalgar Square, as well as reinforcing the south western corner and reinforcing and raising of the height of the south eastern corner of the perimeter boundary wall at the National Gallery. Following revisions to the scheme all the proposed bollards are to be located within the public highway.

The bollards and changes to the boundary walls are required to enhance public safety on the upper

terrace of the square. In the context of the risk of terrorist attacks, appropriate measures to protect crowded public spaces are inevitable.

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

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

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

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

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

One letter of objection has been received from the National Gallery based on the position of the bollards, their use, the materials of the east boundary wall and its impact on sprinklers and local fire hydrant mains, the future projects for the public realm, the impact of the works during events and exhibitions and lack of consultation.

Bollards

The position of the bollards in front of Jubilee Walk entrance is objected on the grounds that they cut off the Jubilee Walk entrance giving an impression of barrier which may impact the visitor experience, they leave a significant area unprotected within the Pall Mall curb and hostile vehicles could access Jubilee Walk from the other side and they may impact on the operation of the National Gallery.

During the course of consideration of the application revised drawings have been submitted showing minor changes to the alignment of the bollards on the west terrace side, minor design changes to the bollards on the east terrace side and the removal of all bollards on the Jubilee Walk section. The National Gallery has been advised of the revised drawings and no further comments have been received.

At present temporary safety measures are in place on the upper terrace of the square and include concrete blocks which are visually intrusive and undesirable. Whilst the number of bollards proposed is significant, they are a typical feature in the streetscape, and visually more appropriate than the current measures. The moderate level of harm caused by the bollards is felt to be mitigated by the

substantial benefits of improving public safety. The majority of the bollards proposed will be aluminium canonette style bollards, in keeping with others within the square. A small number which are moveable to allow access, are proposed to be simple cylindrical bollards painted black.

The bollards are considered a suitable defensive urban design solution without compromising pedestrian access. The distance between each bollards allow for safe and convenient access for all pedestrian users to access the northern terrace.

The letter of objection raises concerns about negative experience like detritus left on the bollards, the operation of the bollards by third parties and requires access to the terrace.

The supporting document indicates that Westminster City Council will be responsible for the manual operation of the bollards and their cleaning. This is considered acceptable. The comment from the National Gallery about access through the bollards by vehicles is noted. Any special access arrangements required by the gallery would need to be arranged privately with the City Council.

Wall Alterations

The works also include alterations to the south western and south eastern sections of the retaining walls to the lawns of the National Gallery. These include taking down the sections and rebuilding within reinforcements and then re-clad with stone to match the existing. It is understood that these walls were rebuilt after the second world war and do not contain historic fabric but do define an original arrangement. The north eastern section will marginally increase in height and incorporate a stepped arrangement.

The comments from the National Gallery request that the stone face cladding of the east boundary wall be sympathetic to the existing stone wall and that the works take into consideration the existing sprinkler systems and the existence of the local fire hydrant mains. It is intended that the appearance of both sections of wall will closely match the existing, though the eastern section will be marginally more prominent due to its increased height. The alterations will cause a modest level of visual harm, which will be less than substantial harm to the significance and setting of the building, however this is sufficiently outweighed by the benefits of improved public safety.

The position of sprinklers and fire hydrant mains are subject to separate regime controls however an informative is recommended to advise the applicant to consult with the National Gallery over the issue.

Other Matters

The Greater London Archaeology Service has been consulted and it recommends a pre-commencement condition. The agent has agreed to the imposition of this condition.

The letter of objection states that the proposed scheme should not compromise future public realm projects. It is considered that any future public realm projects for the North Terrace should take into consideration the necessity to ensure public safety as hostile vehicle measures are now a common feature of key places in Central London.

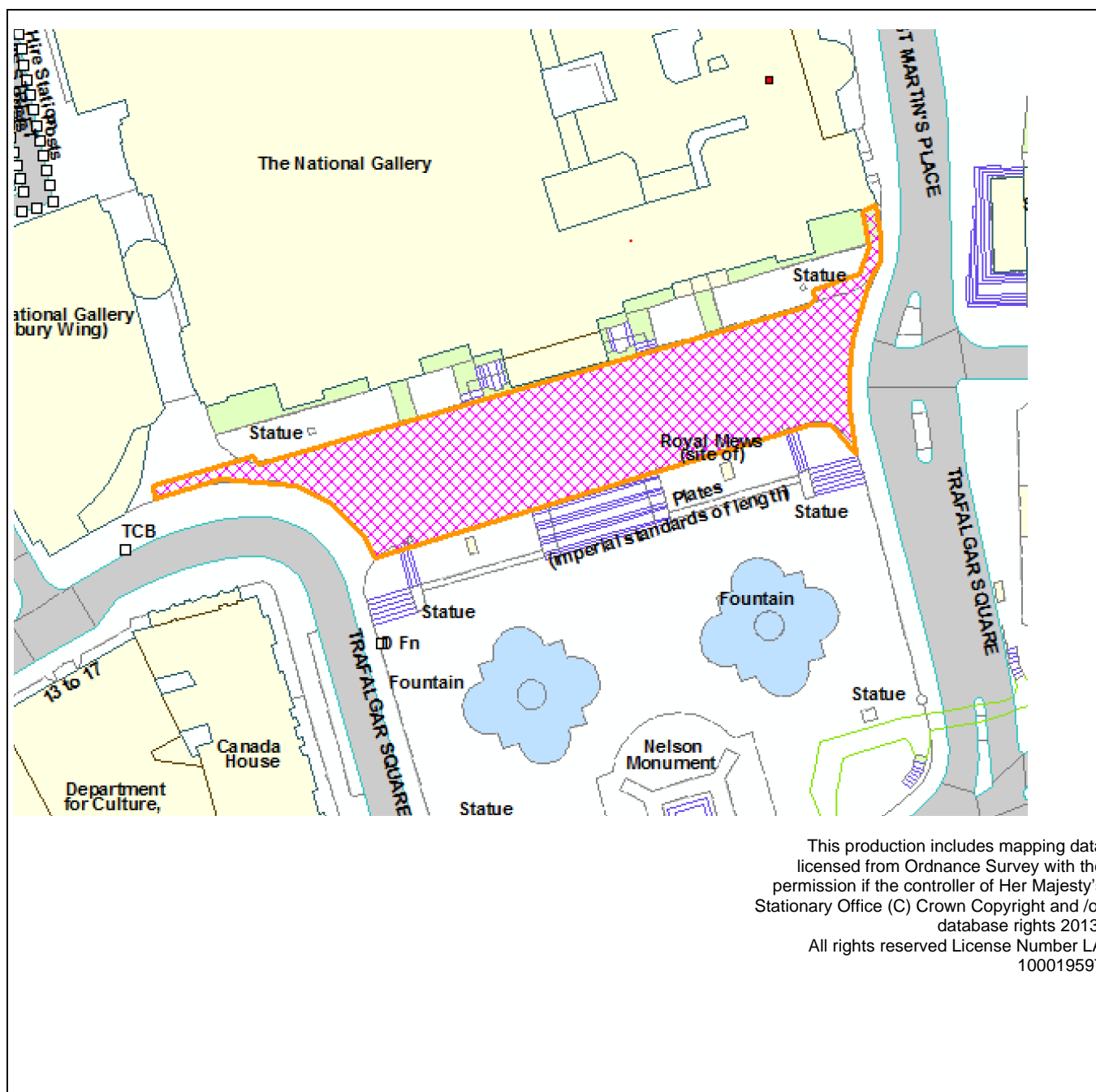
With regards to the timing of building works in relation to the gallery's events and exhibitions an informative is recommended to request that the applicant liaise with the National Gallery to ensure they are kept informed.

The letter of objection raises the issue about a lack of consultation on the planning application. It was recognised by officers that the original consultation was not sufficient and additional consultation was carried out in January 2021.

As a result of this revision all proposed bollards are now located within the public highway. Whilst the proposed bollards could be carried out under Local Authority Permitted Development, the applicant has chosen to submit a planning application. This is acceptable.

As such, given the public benefits that would be delivered, the proposal is considered acceptable in terms of its impact on the designated heritage assets and would comply with the City Plan and Unitary Development Plan Policies. Therefore, the recommendation to grant conditional permission and consent is compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

3. LOCATION PLAN



4. PHOTOGRAPHS



Eastern side of the North terrace



Western side of the North terrace

5. CONSULTATIONS

HISTORIC ENGLAND:

No comment.

HISTORIC ENGLAND ARCHAEOLOGY:

Recommends pre-commencement condition.

METROPOLITAN POLICE:

Any response to be reported verbally.

WESTMINSTER SOCIETY:

Any response to be reported verbally.

HIGHWAYS:

No comments on elements that are on highway.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 10

Total No. of replies: 1

No. of objections: 1

No. in support: 0

One letter of objection has been received from the National Gallery on the following grounds:

- position of the bollards in front of the Jubilee Walk entrance creating an impression of barrier, leaving an unprotected area and impacting operation
- preference for the alignment of the bollards
- negative experience due to bollards frequently immovable and clogged with refuse and other detritus
- third party using the key to lower the bollards
- sprinkler system and local fire hydrant mains not to be affected
- stone face cladding must be sympathetic
- project to reimagine public realm space should not be compromised
- works must be planned around the exhibitions and events
- lack of consultation

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

6. RELEVANT PLANNING HISTORY

In 2003 listed building consent was granted for the dismantling, strengthening and reconstruction of existing granite balustrade on the retaining wall between plinths adjacent to north terrace (RN: 02/06838/LBC).

In 2016 planning permission was granted for the creation of 6 no. pitches on the

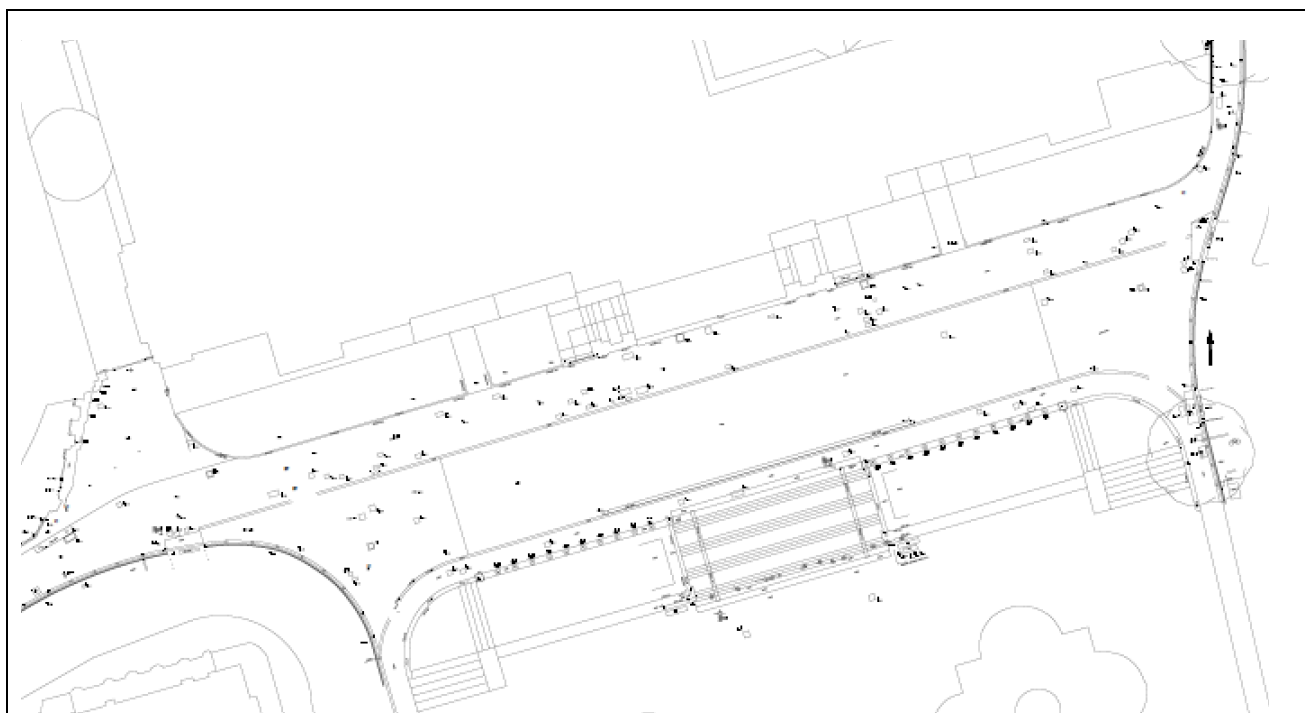
north terrace of Trafalgar Square (RN: 16/06329/COFUL).

Many temporary permissions for the use of the north terrace for art and information pod displays.

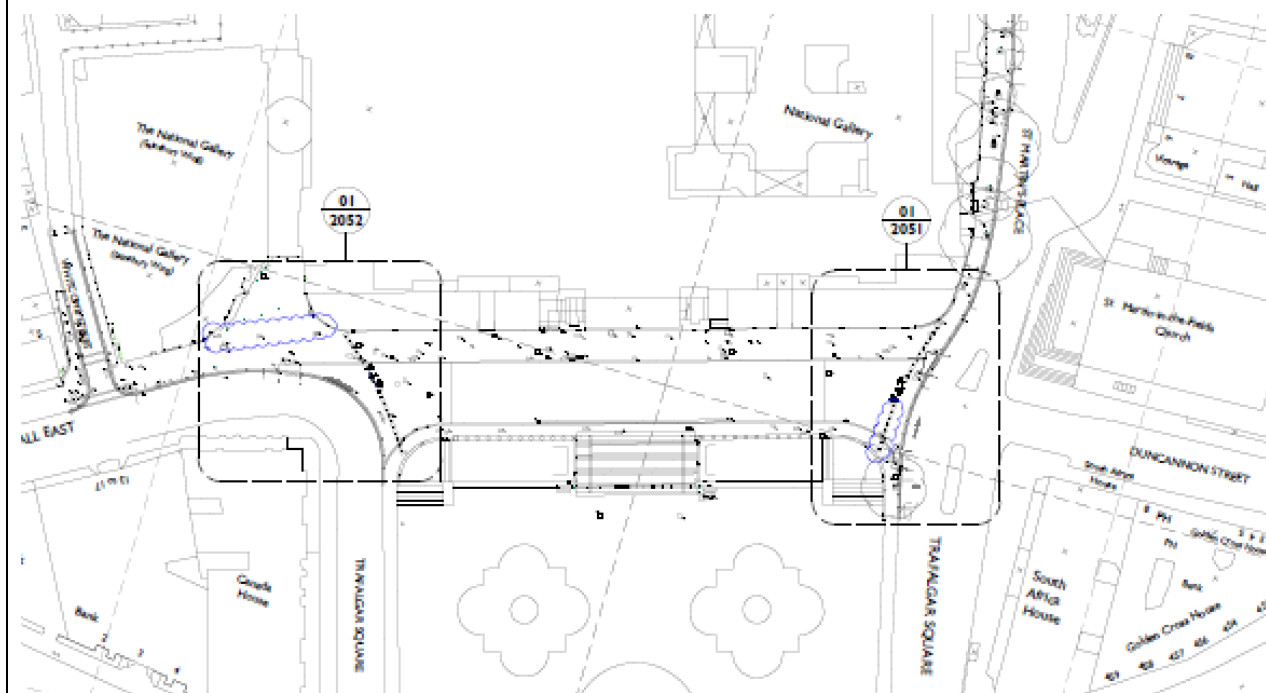
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: AURORE MANCEAU BY EMAIL AT amanceau@westminster.gov.uk.

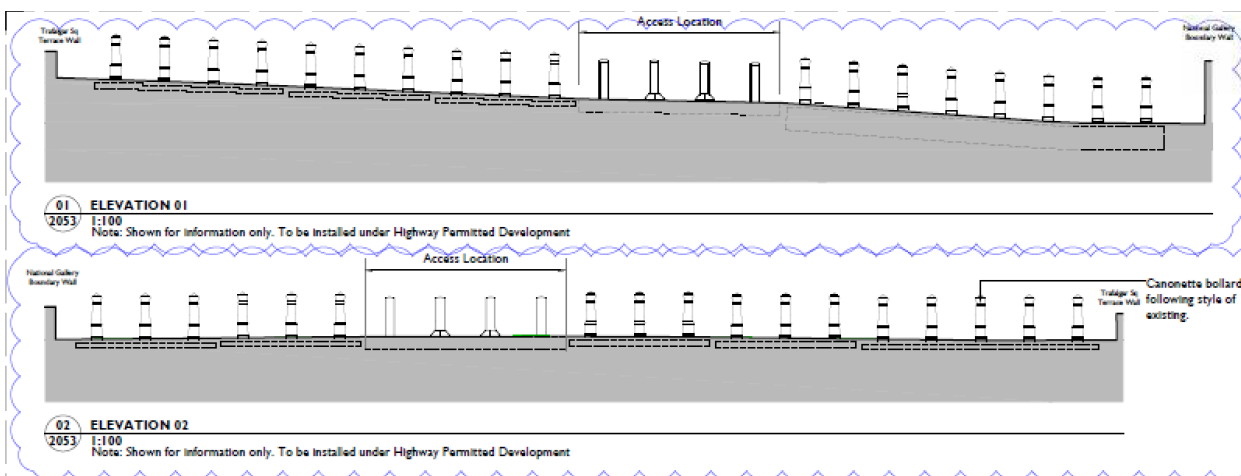
7. KEY DRAWINGS



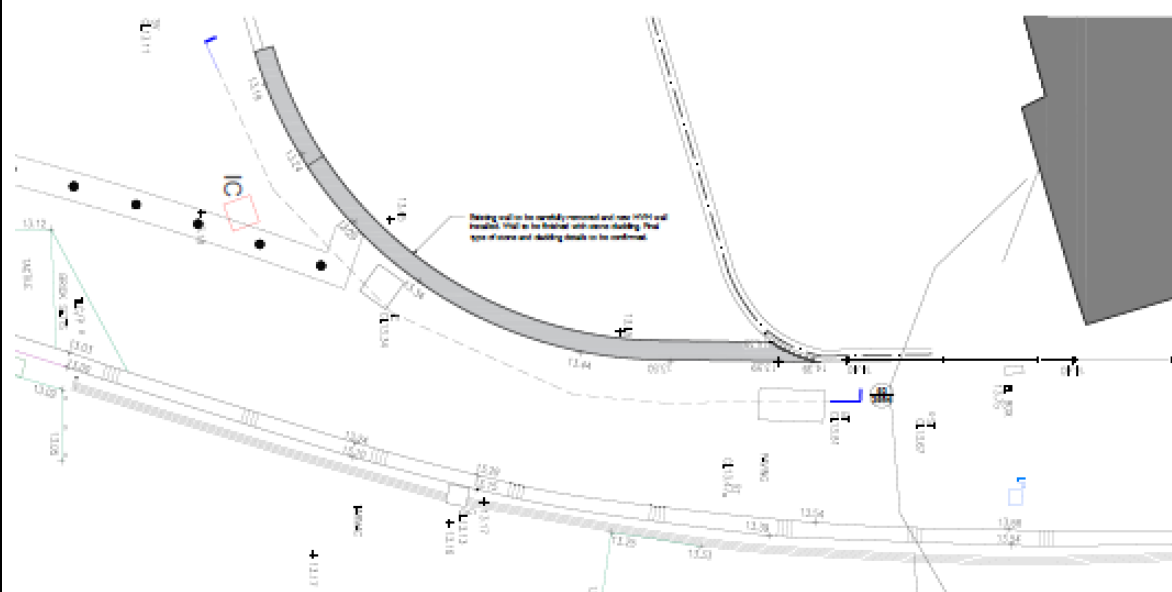
Existing plan



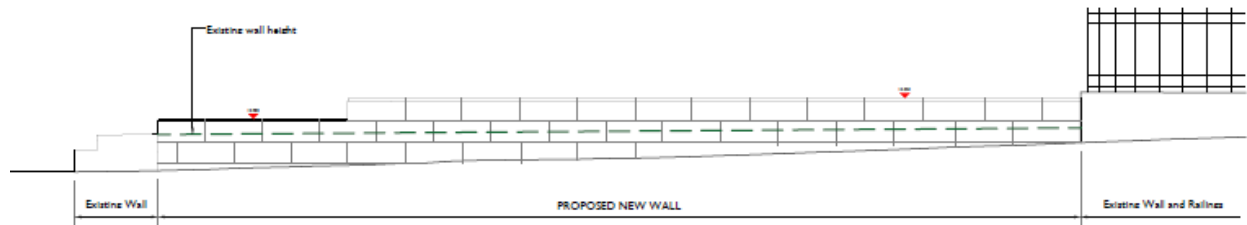
Proposed plan



Proposed bollards elevation



Proposed detailed plan of the wall to be heightened



Proposed wall elevation



Photomontage - eastern side of the North terrace



Photomontage – western side of the North terrace

DRAFT DECISION LETTER

Address: The National Gallery, Trafalgar Square, London, WC2N 5DN

Proposal: Installation of hostile vehicle mitigation security bollards and raising of the height of the perimeter wall at the National Gallery.

Reference: 20/06529/COFUL

Plan Nos: 1000 Rev. P02; 1001 rev.P02; 240488-PUR-00-XX-DR-A-1002 rev. P02; 240488-PUR-00-XX-DR-A-2050 rev. P03; 240488-PUR-00-XX-DR-A-2051 rev. P03; 240488-PUR-00-XX-DR-A-2052 rev. P03; 240488-PUR-00-XX-DR-A-2053 rev. P03; 240488-PUR-00-XX-DR-A-2054 rev. P03; Historic environment desk-based study and impact assessment dated June 2020 prepared by Pre-Construct Archaeology.

For information only: 240488-PUR-00-XX-DR-A-2055 rev. P02; 2 photomontages; Design and access statement dated October 2020; Heritage statement dated October 2020.

Case Officer: Aurore Manceau

Direct Tel. No. 07866038763

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 residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Trafalgar Square Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 4 You must apply to us for approval of details of the following parts of the development: photographs of stone sample taken on site. You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these details. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Trafalgar Square Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

5 **Pre Commencement Condition.**

(a) You must apply to us for approval of a written scheme of investigation for a programme of archaeological work. This must include details of the suitably qualified person or organisation that will carry out the archaeological work. You must not start work until we have approved in writing what you have sent us.

(b) You must then carry out the archaeological work and development according to this approved scheme. You must produce a written report of the investigation and findings, showing that you have carried out the archaeological work and development according to the approved scheme. You must send copies of the written report of the investigation and findings to us, and to the Greater London Sites and Monuments Record, Greater London Archaeological Advisory Service, Historic England, 4th floor, Cannon Bridge House, 25 Dowgate Hill, London EC4R 2YA.

(c) You must not use any part of the new building until we have confirmed in writing that you have carried out the archaeological fieldwork and development according to this approved scheme. (C32BC)

Reason:

To protect the archaeological heritage of the City of Westminster as set out in S25 of Westminster's City Plan (November 2016) and DES 11 of our Unitary Development Plan that we adopted in January 2007. (R32BC)

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 Westminster's City Plan (November 2016), Unitary Development Plan, neighbourhood plan (where relevant), supplementary planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 You are advised to consult with the National Gallery for the carrying out of the works to minimise the disruption on their Exhibitions and Events program and to take into consideration the existing sprinklers system and fire hydrant mains.
- 3 **HIGHWAYS LICENSING:**
Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please visit our website at www.westminster.gov.uk/guide-temporary-structures.

CONSIDERATE CONSTRUCTORS:

You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.

BUILDING REGULATIONS:

You are advised that the works are likely to require building regulations approval. Details in relation to Westminster Building Control services can be found on our website at www.westminster.gov.uk/contact-us-building-control

Item No.
2

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

DRAFT DECISION LETTER

Address: The National Gallery, Trafalgar Square, London, WC2N 5DN

Proposal: Installation of hostile vehicle mitigation security bollards and raising of the height of the perimeter wall at the National Gallery.

Reference: 20/06530/COLBC

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Recommended Condition(s) and Reason(s)

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

Reason:

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

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

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Trafalgar Square Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

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

photographs of stone sample taken on site. You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these details. (C26DB)

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Trafalgar Square Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

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 2016, Westminster's City Plan (November 2016), and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations.

The City Council decided that the proposed works would not harm the special architectural and historic interest of this listed building.

In reaching this decision the following were of particular relevance:

S25 and S28 of Westminster's City Plan and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

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

Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents.

It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (I59AA)

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meeting is in progress, and on the Council's website.