

GREATER LONDON AUTHORITY

Development, Enterprise and Environment

Stephanie Malik
Royal Borough of Kensington & Chelsea
Planning and Borough Development
Kensington Town Hall
Hornton Street
LONDON
W8 7NX

Our ref: D&P/4371/01/JS
Your ref: PP/17/01413
Date: 4 September 2017

Dear Ms Malik,

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008
The Orangery Yard, Kensington Palace
Local planning authority reference: PP/17/01413

I refer to the copy of the above planning application, which was received from you on 23 March 2017. On 4 September 2017, the Mayor considered a report on this proposal; reference D&P/4371/01. A copy of the report is attached, in full. This letter comprises the statement that the Mayor is required to provide under Article 4(2) of the Order.

The Mayor considers that the application complies with the London Plan, for the reasons set out in paragraph 30 of the above-mentioned report; and, pursuant to Article 5(2) of the Order, the Mayor does not need to be consulted again. Your Council may therefore proceed to determine the application without further reference to the GLA.

Yours sincerely,



Sarah Considine
Senior Manager – Development & Projects

cc Tony Devenish, London Assembly Constituency Member
Nicky Gavron, Chair of London Assembly Planning Committee
National Planning Casework Unit, DCLG
Lucinda Turner, TfL
Agent: Matthew Brewer, CGMS, 140 London Wall, London, EC2Y 5DN

The Orangery Yard, Kensington Palace

in the Royal Borough of Kensington & Chelsea

planning application no. PP/17/01413

Strategic planning application stage 1 referral

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008.

The proposal

Demolition of structures to rear of The Orangery, construction of extension comprising two level basement and single storey above ground, and provision of two internal links to extension with associated alterations. New landscaping of Orangery lawn to the south, including new gardener's store. Provision of temporary marquee during period of construction. Associated works and landscaping.

The applicant

The applicant is **Historic Royal Palaces** and the architect is **Liam O'Connor Architects**.

Strategic issues summary

Metropolitan Open Land (MOL): the proposal would not have a greater impact upon the openness of the MOL or conflict with the purposes of including the land within it. (paragraphs 13-15)

Central Activities Zone (CAZ): The proposed use will support the function of Kensington Palace as a key visitor attraction within the CAZ. (paragraph 16).

Design, heritage and archaeology: the scheme would cause less than substantial harm to the Grade I Listed Orangery and would involve the complete loss of archaeological remains within a Scheduled Ancient Monument. This is necessary in order to achieve the substantial public and heritage benefits of the scheme which outweigh the loss and harm. The benefits include: the consolidation of the existing buildings to the rear of The Orangery, the landscaping enhancements, supporting the ongoing conservation and public access of The Orangery and the wider Kensington Palace complex, alongside the package of architectural mitigation measures which have been agreed with Historic England (paragraphs 17-22).

Recommendation

That the Royal Borough of Kensington and Chelsea be advised that the application is supported and complies with the London Plan, for the reasons set out in paragraph 30 of this report, and does not need to be referred back to the Mayor. The Council should, however, take account of the comments made in this report.

Context

1 On 23 March 2017 the Mayor of London received documents from Royal Borough of Kensington and Chelsea (RBKC) notifying him of a planning application of potential strategic importance to develop the above site for the above uses, and this referral was acknowledged on 18 August 2017. Under the provisions of The Town & Country Planning (Mayor of London) Order 2008 the Mayor has until 4 September 2017 to provide the Council with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. The Mayor may also provide other comments. This report sets out information for the Mayor's use in deciding what decision to make.

2 The application is referable under Category 3D of the Schedule to the Order 2008:

- Category 3D: Development on land allocated as Metropolitan Open Land in the development plan, which would involve the construction of a building with a floorspace of more than 1,000 square metres or a material change in the use of such a building.

3 The Mayor of London's statement on this case will be made available on the GLA website www.london.gov.uk.

Site description

4 The Orangery Yard is a historic service area to the rear of the Orangery, within the gardens of Kensington Palace. Kensington Gardens is bound by Hyde Park to the east, Bayswater Road to the north, Kensington High Street to the south and the driveway of Kensington Palace Gardens to the west. The Orangery lies to the north of Kensington Palace and comprises a Grade I Listed building in use as a restaurant/pavilion, with the Yard to the rear (north) which comprises a series of ad-hoc structures to the rear which provide ancillary uses including kitchens, toilets, storage, staff changing and generators, visually screened by dense vegetation. A temporary events pavilion is also used on part of the Orangery Yard in the summer months.

5 The site is located on Metropolitan Open Land (MOL) and within a Site of Importance for Nature Conservation (SINC). The site is also part of a Grade I Registered Park and Garden and Kensington Palace (including the Orangery) is Grade I Listed and a Scheduled Ancient Monument, which all form part of the Kensington Palace Conservation Area. The site also lies within the Central Activities Zone (CAZ).

Details of the proposal

6 The applicant, Historic Royal Palaces (HRP), conserve, maintain, curate and are the custodians for the Kensington Palace complex, including The Orangery. HRP currently have on-site accommodation within the Palace itself which is leased from the Royal Household. The Royal Household require the space back and the application is seeking the creation of alternative on-site space for HRP, for them to continue to manage and conserve the Palace, day-to-day.

7 The proposed development seeks a single storey extension (above ground) to the rear of The Orangery with two basement levels of accommodation. The accommodation will support the functions of HRP including conservation, the Royal Ceremony Dress Collection, ancillary accommodation for HRP staff who operate the public accessible areas and grounds of the Palace day-by-day and a replacement kitchen for The Orangery restaurant and events held at the Palace.

8 The proposal also includes conservation work to The Orangery building itself and re-landscaping to the lawn in front of The Orangery. The series of temporary structures which have accumulated behind The Orangery over the years, ancillary to the restaurant use, would be removed.

Case history

9 There is no history of referable schemes or pre-application discussions on this site.

Strategic planning issues and relevant policies and guidance

10 The relevant issues and corresponding policies are as follows:

- Metropolitan Open Land *London Plan;*
- Design and heritage *London Plan; Character and Context SPG; London's Foundations SPG;*
- Inclusive design *London Plan; Accessible London: achieving an inclusive environment SPG;*
- Biodiversity *London Plan;*
- Climate change mitigation *London Plan; Sustainable Design & Construction SPG;*
- Transport *London Plan;*

11 For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the development plan in force for the area is the Royal Borough of Kensington and Chelsea Consolidated Local Plan 2015, Core Strategy Proposals Map 2010 and Unitary Development Plan Extant Policies 2002 and the London Plan 2016 (Consolidated with Alterations since 2011).

12 The National Planning Policy Framework, Technical Guide to the National Planning Policy Framework and National Planning Practice Guidance are also relevant material considerations.

Principle of development

Metropolitan Open Land

13 London Plan Policy 7.17 affords the "strongest protection" to Metropolitan Open Land (MOL), giving the same level of protection as Green Belt, where inappropriate development should be refused except in very special circumstances. Paragraph 89 of the NPPF states that the construction of new buildings should be regarded as inappropriate, but sets out exceptions including the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building and limited infilling of previously developed sites.

14 The footprint of the proposed extension would increase the overall size of The Orangery, however, the majority of the floorspace would be subterranean and the height of the extension is below, and clearly subservient to, the existing building. The proposal does not extend beyond the existing footpaths which bound the Orangery site and the detailed design ensures that the proposal does not have a greater impact on the openness of the MOL compared to the existing situation. On this basis, the proposal is not considered to result in a disproportionate addition over and above the size of the original building and thus falls within the above-noted exception to what would usually constitute inappropriate development.

15 The proposal would provide a mix of uses that are complimentary to Kensington Palace and its gardens. The proposal would therefore not conflict with the purposes of including the land within the MOL designation. The landscape enhancements proposed would improve the quality of the gardens, and enhance public appreciation of the MOL, which is strongly supported.

Central Activities Zone

16 The site is located within the Central Activities Zone (CAZ) and the proposed use will support the function of Kensington Palace as a key visitor attraction within the CAZ. The proposal is supported in line with London Plan policy 2.10

Design, heritage and archaeology

Design

17 The approach to layout and massing of the extension is supported and has been designed to be of a height that protects the important views of the Grade I Listed Orangery, and limit the impact upon the MOL. The works to the listed building itself, including new openings, should be progressed in accordance with local specialist conservation advice. The landscape works proposed to the wider park would not harm the setting of the listed buildings or Registered Park and Garden, subject to detailed design which should be secured by condition.

Heritage and archaeology

18 Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 respectively require the decision maker to have “special regard” to the desirability of preserving a listed building or its setting, and pay “special attention” to the desirability of preserving or enhancing the character or appearance of a conservation area. The NPPF also states that substantial harm to designated heritage assets should only be allowed in exceptional circumstances. Where less than substantial harm will be caused, the harm should be weighed against the public benefits of the proposal. Having found harm to a heritage asset, the decision maker must give that harm considerable importance and weight, even when the harm in NPPF terms is less than substantial.

19 As mentioned in paragraphs 4 and 5 (and audited within the submitted built heritage statement), there are numerous heritage assets in the immediate vicinity of the site including Kensington Palace and The Orangery (Grade I) and Upper Stables (Grade II) as well as various others Grade II Listed buildings along Kensington Palace Conservation Area. The wider site is also a Scheduled Ancient Monument and Grade 1 Registered Park and Garden. Having carefully considered the built heritage statement, and having had special regard to the desirability of preserving listed buildings, GLA officers are of the view that the proposal would harm The Orangery (Grade I Listed), but that this harm would be less than substantial. GLA officers do not consider the proposal would harm the other listed buildings identified, nor do GLA officers consider the proposal would harm the character/setting of the Kensington Palace Conservation Area. In assessing the proposals, GLA officers conclude the harm identified to the listed building, namely the proposed openings to The Orangery, would be less than substantial and is outweighed by the public benefits of the proposal as more particularly described in paragraph 21 below.

20 The site is also a statutorily protected Scheduled Ancient Monument under the Ancient Monuments and Archaeological Areas Act (1979). Several archaeological investigations have been undertaken on site which have demonstrated that there is a high potential for uncovering structural elements associated with a boundary wall to the Yard of The Orangery, as well as horticultural features. The investigations have also identified medium potential for the recovery of archaeological remains relating to the underground heating system associated with The Orangery and archaeological remains which pre-date both The Orangery and Kensington Palace. The provision of two basements will result in the complete loss of the archaeological remains. In line with Paragraphs 132 and 133 of the NPPF, loss of designated heritage assets should be wholly exceptional and consent should be refused, unless it can be demonstrated that the loss is necessary to achieve substantial public benefits that outweigh the loss. Works by or on behalf of Historic Royal Palaces have Crown Exemption from statutory Scheduled Monument Controls under Section 50 of the

Ancient Monuments and Archaeological Areas Act 1979, however the case has been reviewed by Historic England and conditional Scheduled Monument Clearance has been granted, on a non-statutory basis, in line with Planning Practice Guidance. A package of architectural mitigation measures has been agreed with Historic England, including watching briefs and recording.

21 GLA officers conclude that the complete loss of the archaeological remains is necessary to achieve substantial public and heritage benefits which outweigh that loss, whilst also limiting the impact upon the wider Metropolitan Open Land designation. These substantial benefits include: the consolidation of the existing buildings to the rear of The Orangery, heritage and conservation works to The Orangery building, landscaping enhancements, supporting the ongoing conservation and public access of The Orangery and the wider Kensington Palace complex, maintaining security of Kensington Palace and grounds, providing on-site educational resources and programmes for children and students, alongside a package of architectural mitigation measures and benefits which have been agreed with Historic England.

22 Accordingly, GLA officers are satisfied that the application accords with London Plan Policy 7.8.

Inclusive design

23 In accordance with London Plan Policy 7.2, the development is designed to be fully accessible and inclusive. Accessible toilets have been incorporated into the new extension, as well as a lift.

Climate change mitigation

24 Based on the energy assessment, an on-site reduction of 7 tonnes of CO₂ per year for the non-domestic buildings, compared to a 2013 Building Regulations compliant development will be achieved, equivalent to overall savings of 19%. The on-site carbon dioxide savings fall short of the targets within Policy 5.2 of the London Plan, however, it is accepted that there is little further potential for carbon dioxide reduction on-site given the constraints of the site. The applicant should therefore ensure that the remaining regulated CO₂ emissions, equivalent to 5.5 tonnes of CO₂ per annum, is met through a contribution to the borough's offset fund.

Biodiversity

25 The site falls within a Site of Importance for Nature Conservation (SINC). The re-casting of the grasslands, to enhance their ecological value and species richness, and biodiverse green roof for the garden store are all welcomed, in line with London Plan policies 7.19.

Transport

26 Owing to the modest scale of the scheme and limited associated trips expected with the proposed uses, the proposals would not give rise to any strategic transport concerns. Nevertheless, the Construction Management Plan should be secured by condition to ensure that any impact on surrounding highways is minimised.

Local planning authority's position

27 Having engaged in pre-application discussions with the applicant, the Council are supportive of the proposals, subject to conditions, and will be reporting the application to committee on 14 September.

Legal considerations

28 Under the arrangements set out in Article 4 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor is required to provide the local planning authority with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. Unless notified otherwise by the Mayor, the Council must consult the Mayor again under Article 5 of the Order if it subsequently resolves to make a draft decision on the application, in order that the Mayor may decide whether to allow the draft decision to proceed unchanged, or direct the Council under Article 6 of the Order to refuse the application. There is no obligation at this present stage for the Mayor to indicate his intentions regarding a possible direction, and no such decision should be inferred from the Mayor's statement and comments.

Financial considerations

29 There are no financial considerations at this stage.

Conclusion

30 London Plan policies on Metropolitan Open Land, Central Activities Zone, design and heritage, inclusive design, climate change, biodiversity and transport are relevant to this application. The proposed development is considered to constitute appropriate development on Metropolitan Open Land and the identified harm and loss of designated heritage assets would be outweighed by the public and heritage benefits of the scheme. The proposal is therefore supported and complies with the London Plan. The application does not need to be referred back to the Mayor, although the Council should have regard to the comments made in this report.

for further information, contact GLA Planning Unit (Development & Projects Team):

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