

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 2 April 2019	Classification For General Release	
Report of Executive Director Growth Planning and Housing		Ward(s) involved Regent's Park	
Subject of Report	Winfield House, Outer Circle, Regents Park, London, NW1 4RT		
Proposal	Demolition of existing boundary railings and the erection of replacement 2.5 m railings to Outer Circle.		
Agent	Embassy Of The United States		
On behalf of	Embassy Of The United States		
Registered Number	18/07067/FULL and 18/07068/LBC	Date amended/ completed	30 October 2018
Date Application Received	20 August 2018		
Historic Building Grade	II		
Conservation Area	Regent's Park		

1. RECOMMENDATION

1. Grant conditional permission.
2. Grant conditional listed building consent.
3. Agree the reasons for granting conditional listed building consent as set out in Informative 1 of the draft decision letter.

2. SUMMARY

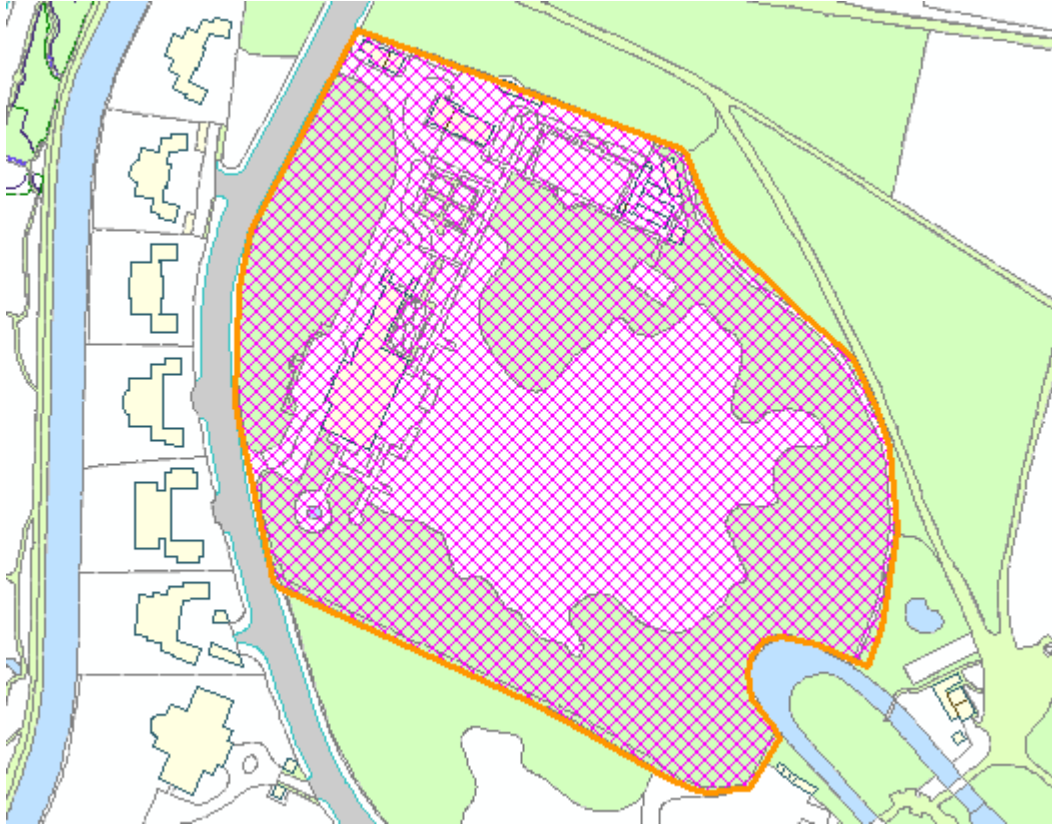
Planning permission and listed building consent are sought to replace the existing boundary railings with railings measuring 2.5 metres in height and to alter the existing decorative railings around the entrance gates. An objection was received from the St. Marylebone Society on design and heritage grounds. The application was subsequently amended and reconsulted on and the St. Marylebone Society responded neutrally. An objection was also received from the Regent's Park and Primrose Hill Group and this is summarised in Section 5 of the report.

The key issues in this case are:

- The impact on the special interest of the Grade II listed building.
- The impact of the proposal on the character and appearance of the Regent's Park Conservation Area and the Grade I listed Historic Park and Garden of Special Historic Interest.

The proposed development is considered to comply with relevant policies in the Unitary Development Plan adopted in January 2007 (the UDP) and Westminster's City Plan adopted in November 2016 (the City Plan). The applications for planning permission and listed building consent are therefore recommended for approval subject to the conditions set out in the draft decision letters.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Existing Entrance Gates.



Existing Decorative Piers.

Existing Railings.



Where the existing front boundary railings meet the higher side and rear railings.

5. CONSULTATIONS

5.1 Consultation on Initially Submitted Scheme (September 2018)

WARD COUNCILLORS (REGENT'S PARK)

Any response to be reported verbally.

THE ST MARYLEBONE SOCIETY

Objection. The parkland setting is part of the Grade I listed character and security fencing should be much more sensitively done.

HISTORIC ENGLAND

On the basis of the information provided, we do not consider that it is necessary for this application to be notified to Historic England under the relevant statutory provisions.

FRIENDS OF REGENTS PARK & PRIMROSE HILL

Any response to be reported verbally.

ARBORICULTURAL MANAGER

Amendments to the Tree Report required.

DESIGNING OUT CRIME ADVISOR

Any response to be reported verbally.

REGENTS PARK CONSERVATION AREA ADVISORY COMMITTEE

Any response to be reported verbally.

CROWN ESTATE PAVING COMMISSION

Any response to be reported verbally.

THE GARDENS TRUST

Do not wish to comment on the proposals at this stage.

THE ROYAL PARKS

Any response to be reported verbally.

HIGHWAYS PLANNING MANAGER

Outer Circle is not actually public highway as it is within the Royal Park and is closed overnight. Nevertheless, there are no issues with the proposed fence, which appears to follow the line of the existing one, albeit that it is higher.

ADJOINING OWNERS/ OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 8.

Total No. of replies: 1.

No. of objections: 0.

No. in support: 0.

Neutral: 1.

In September 2017 the Crown Estate Paving Commission (CEPC) undertook a trial resurfacing project where the footpath that runs parallel to these railings was reconstructed; a concern is that the proposed works to demolish and install the replacement railings will be detrimental to the back edging of the footpath.

It will be necessary for the CEPC to grant and issue a licence to the applicant as the works will entail occupation of the CEPC managed and maintained footpath.

ADVERTISEMENT/ SITE NOTICE

Yes.

5.2 Re-consultation on Revised Scheme - Amended Detailed Design Of Railings (February 2019)

WARD COUNCILLORS (REGENT'S PARK)

Any response to be reported verbally.

THE ST MARYLEBONE SOCIETY

Railings look very high and should be screened to be more in keeping with the setting within the World Heritage Park landscape.

FRIENDS OF REGENTS PARK & PRIMROSE HIL

Any response to be reported verbally.

ARBORICULTURAL MANAGER

Subject to satisfactory revisions to the tree report and tree protection plan, no objections are raised.

DESIGNING OUT CRIME ADVISOR

Any response to be reported verbally.

REGENTS PARK CONSERVATION AREA ADVISORY COMMITTEE

Any response to be reported verbally.

CROWN ESTATE PAVING COMMISSION

Any response to be reported verbally.

REGENT'S PARK AND PRIMROSE HILL

Unhappy about the 2.5 metre height of the railings. Could a fence set within the grounds be considered? Appreciate the amended design of the railings, which are more in keeping with those within the park.

THE GARDENS TRUST

Any response to be reported verbally.

THE ROYAL PARKSG

Any response to be reported verbally.

HIGHWAYS PLANNING MANAGER

Any response to be reported verbally.

ADJOINING OWNERS/ OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 8.

Total No. of replies: 0.

No. of objections: 0.

No. in support: 0.

ADVERTISEMENT/ SITE NOTICE

Yes.

6. BACKGROUND INFORMATION

6.1 The Application Site

Winfield House is a Grade II listed building located in the north west side of Regent's Park and is used as the US Ambassadors residence. Regents Park is included on the English Heritage Register of Historic Parks and Gardens of Special Historic Interest at Grade I. The area is also designated as a conservation area, Metropolitan Open Land and a site of Metropolitan Importance for Nature Conservation.

6.2 Recent Relevant History

18/05920/FULL

Illumination of a flagpole.

Application Permitted 22 August 2018

7. THE PROPOSAL

The application proposes the removal of the existing railings to the north western boundary of the Winfield House with the Outer Circle and their replacement with new higher railings. The existing railings are approximately 1.5 metres in height, whilst the proposed railings would be 2.5 metres in height. The existing railings are a later addition to the site and have historically been reinforced. A number of sections of the railings have deteriorated significantly in terms of their condition. There is also a need to replace the railings in order to enhance security to Winfield House and its grounds.

During the course of the application the detailed design of the railings has been amended, with the revised design being reflective of the railings found in the immediate setting of Regent's Park.

The north and south gates are considered to be of special interest and are contemporary with the principal listed building. The application has been amended to retain the gates as existing and to extend the height of the decorative piers in order to preserve these features in the context of the security improvements.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The application does not raise any land use issues.

8.2 Townscape and Design

Section 66 of the Planning (Listed Building Conservation Areas) Act 1990 places a duty upon the decision maker, in the exercise of planning functions, to 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. The 1990 Act also requires the Local Planning Authority to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. Additionally, the NPPF states that 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.

The pertinent policies contained in the adopted City Plan are S25 and S28. The relevant policies in the adopted UDP are set out in Chapter 10, Urban Design and Conservation. The most applicable policies are DES 1 that sets out principles of urban design and conservation, DES 7 relating to alterations boundary walls and railings, DES 9 that concerns the impact of development on conservation areas and DES10 which relates to works affecting listed buildings.

The special interest of Winfield House derives partly from its historic association with being the residence of the American Ambassador, its architectural design as a Neo-Georgian Townhouse and its relationship with the parkland setting, of which the railings and entrance gates contribute. It is noted that the existing boundary railings are a later addition to the site, however the existing gates, entrance piers and railing sections are considered to be contemporary with the date of the house, being circa 1936.

The existing railings are subserviently scaled, allowing for the landscaping within the site to be visually prominent. Sections are in a state of disrepair and have historically been reinforced. There has also been movement as a result of the mature trees adjacent to the railings and therefore sections need to be removed to address the trees and their roots. In this context the principle of removing the existing railings, which are a later addition to the site is acceptable in design and heritage terms.

The height of the proposed railings is noticeably taller than the existing and being 2.5 metres in height will be visually prominent in the street scene. The height proposed follows a security assessment of the property and this has determined that 2.5 metres is the lowest height to achieve the required level of security, in association with the other measures in place.

Officers have discussed with the applicants alternative locations for proposed railings to reduce their visual prominence, including within the landscaped area and to the rear of the garden area; however, alternative options would not provide the same level of security as replacing the railings in their current location.

The St. Marylebone Society have raised an objection to the proposal on the basis that railings are not sensitive to the parkland setting. It is recognised that the increased in height of the railings will create a more defensive appearance when viewed from inside the park. The railings will not appear domestic in scale, but rather will be interpreted as a barrier to the building behind. This will result in harm to the character and appearance of the conservation area and the setting of the designated heritage assets.

However, a number of the Regent's Park villas located on the west side of the Outer Circle do have taller railings to the rear of their sites, albeit these are set back and separated from the road by a grass verge. Regent's Park itself does contain railings of 2.5 metres in height or taller at principal entrances and therefore the introduction will not be wholly uncharacteristic in the wider setting of the park. Furthermore, the detailed design of the railings has been amended during the course of the application to better reflect the railings found in Regent's Park. The railings have a straight spandrel with a spearhead finial. They will be affixed to a floating rail (to address the impact of tree roots) and have a double horizontal rail approximately a third of the way up and a single rail below the finial. This design is considered to be appropriate for its location within a historic park and garden, conservation area and setting of a listed building.

The entrance gates and piers are to be retained as existing. The decorative piers and railings immediately to the side of the gates are to be retained but adapted to achieve the required height. Drawings have been submitted to show how these features can be adapted, however a condition requiring a specific methodology is recommended to ensure the existing fabric of special historic and architectural interest is preserved.

As noted above, the proposed railings do cause harm to the designated heritage assets including the Regent's Park Conservation Area and the Historic Park and Garden. However, the harm caused to the significance of the heritage assets is considered to be less than substantial. In accordance with section 15 of the NPPF, noting in particular that under paragraph 196, any harm identified should be weighed against the public benefits of the proposal. During the course of the application it has been demonstrated that the security provision to the American Ambassador's residence has been reviewed and the amendments to the front boundary are required to ensure an appropriate level of security is provided that is proportionate to the lawful use of the site. Following amendment, the detailed design of the proposed railings is more reflective of those within the wider setting than the existing and the decorative historic elements will be retained. In this context, the public benefits of the scheme, which include creating a secure environment, are considered to outweigh the identified harm and as such the proposals are considered to be acceptable in design and heritage terms.

8.3 Residential Amenity

The application does not raise any amenity issues.

8.4 Transportation/ Parking

The application does not raise any transportation or parking issues.

8.5 Economic Considerations

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

8.6 Access

The amendments to the existing gates and railings would not have any adverse impacts on the accessibility of the site.

8.7 Other UDP/ Westminster Policy Considerations

The proposed fencing requires excavation within the root protection areas of the trees adjacent to the front boundary of Winfield House. Some tree pruning is required to facilitate the development. No trees are proposed to be removed. All of the trees are protected by virtue of their location within the Regent's Park Conservation Area.

The tree surgery proposed to three trees (T2, T7 and T13), which is required to facilitate the development, is not objectionable. Excavation is required at 3 metre centres for the posts which will support the new railings, although this can be adapted in the event that tree roots are found in these locations. Excavation is proposed to be 1000mm in depth and 300mm in diameter, undertaken by air spade/ by hand. Following advice from the Arboricultural Manager the applicant's arboricultural assessment has been amended to state that 'no roots of 25mm or more, clusters of smaller diameter roots will be severed without prior notification to the City Council under the terms of section 211 of the Town and Country Planning Act 1990', and this approach is supported.

The arboricultural supervision proposal has been amended following advice from the Arboricultural Manager and reports of each supervisory visit are to be submitted to the City Council within 5 working days of each visit. It is recommended that this is secured by condition.

Subject to the recommended conditions, the works to the trees are considered to be acceptable and would accord with Policies ENV16 and ENV17 in the UDP and Policy S35 and S38 in the City Plan.

8.8 Westminster City Plan

The City Council is currently working on a complete review of its City Plan. Informal consultation on the first draft of Westminster's City Plan 2019-2040 took place between Monday 12 November 2018 and Friday 21 December 2018. Following this informal consultation, the representations received are being considered and the draft plan will be revised in advance of formal consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012. Given the very early stage of the consultation process and having regard to the tests set out in para. 48 of the NPPF, the policies of the emerging draft City Plan are given little to no weight at the present time.

8.9 Neighbourhood Plans

There are no neighbourhood plans relevant to this site.

8.10 London Plan

The application does not raise any strategic issues.

8.11 National Policy/ Guidance Considerations

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

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. However, in this case no pre-commencement conditions are proposed, and therefore not been necessary to seek the applicant's agreement to the conditions set out in the draft decision letters.

8.12 Planning Obligations

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

8.13 Environmental Impact Assessment

The application is of insufficient scale to require an environmental impact assessment.

8.14 Other Issues

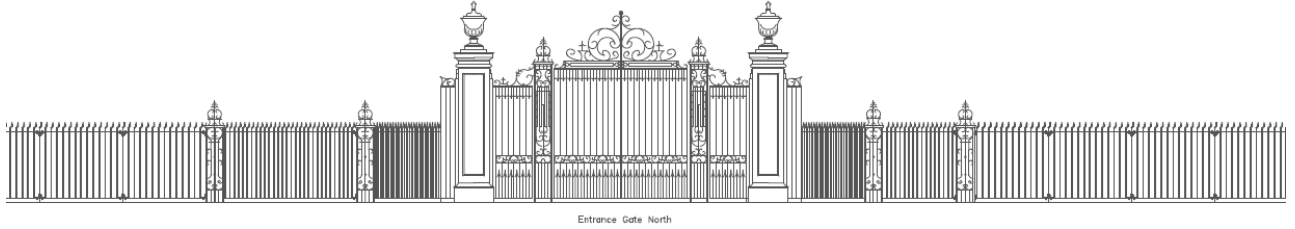
A responder noted recent works which have been carried out adjacent to the site by the Crown Estates Paving Commission and noted that the proposed works may cause damage. Whilst this is not a material planning consideration, the applicants have been advised to contact the CEPC to discuss the works during the course of the application. The Applicants have also been advised of the need to obtain a license from the CEPC as they will be accessing the site from their land.

(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: OLIVER GIBSON BY EMAIL AT OGIbson@WESTMINSTER.GOV.UK.

9. KEY DRAWINGS

Existing

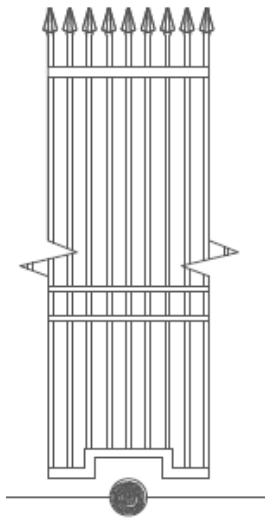


Entrance Gate North

Proposed

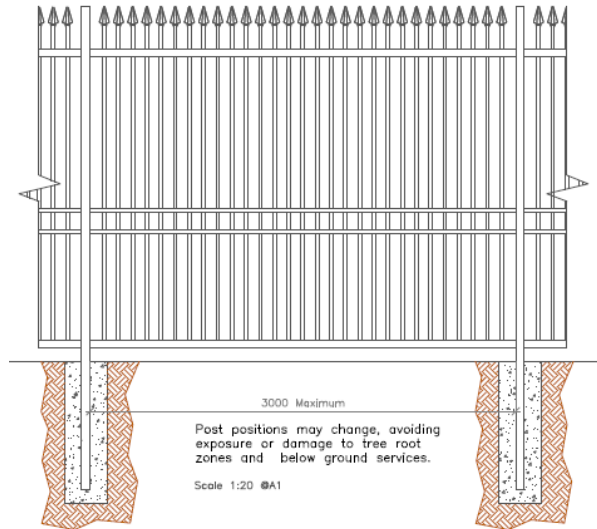


Entrance Gate North



Scale 1:20 @A1

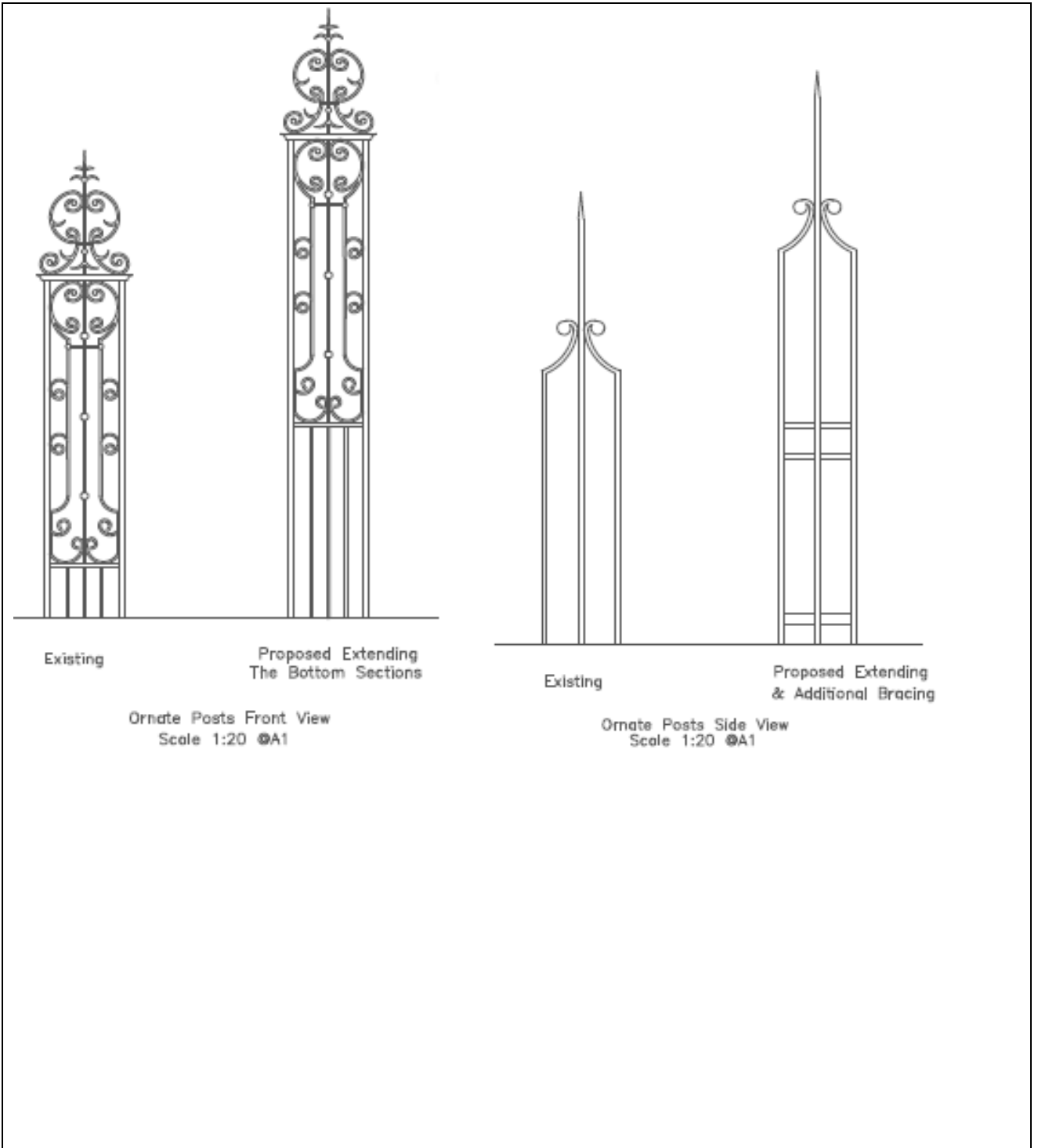
Detail showing approximately 100mm clearance to root zones.



3000 Maximum

Post positions may change, avoiding exposure or damage to tree root zones and below ground services.

Scale 1:20 @A1



DRAFT DECISION LETTER

Address: Winfield House, Outer Circle, Regents Park, London, NW1 4RT,

Proposal: Demolition of existing boundary railings and the erection of replacement 2.5 m railings to Outer Circle.

Reference: 18/07067/FULL

Plan Nos: 001 Rev 001; 002 Rev 003; 003 Rev 002; 006 Rev 002; 1701069-P-10 Rev A; 170106-P-12 Rev A; Arboricultural Report 170106 PD 11 Rev B (dated March 2019).

Case Officer: Rebecca Mason

Direct Tel. No. 020 7641 7540

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 gates and railings 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 Regent's Park 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)

- 4 You must protect the trees proposed to be retained as shown on plans 1701069-P-10 Rev A and 170106-P-12 Rev A and in accordance with the methods set out on those plans and the tree report reference 170106 PD 11 Rev B (dated March 2019). You must also carry out the arboricultural supervision as specified in your tree report 170106 PD 11 Rev B (dated March 2019).

If you subsequently need to revise any of the approved tree protection or arboricultural supervision provisions, you must apply to us for our approval of the revised details, and you must not carry out work the relevant part of the development until we have approved the revised details of protection and/ or supervision that you send us. You must then carry out the work according to the approved revised protection and/ or supervision details.

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in S38 of Westminster's City Plan (November 2016) and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31AC)

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 **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 phone our Highways Licensing Team on 020 7641 2560.

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 <https://www.westminster.gov.uk/contact-us-building-control>

- 3 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 may want to discuss this first with our Tree Officer on 020 7641 6096 or 020 7641 2922. (I32AA)

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: Winfield House, Outer Circle, Regents Park, London, NW1 4RT,

Proposal: Demolition of existing boundary railings and the erection of replacement 2.5 m railings to Outer Circle (Linked to 18/07067/FULL).

Reference: 18/07068/LBC

Plan Nos: 001 Rev 001; 002 Rev 003; 003 Rev 002; 006 Rev 002; 1701069-P-10 Rev A; 170106-P-12 Rev A; Arboricultural Report 170106 PD 11 Rev B (dated March 2019).

Case Officer: Rebecca Mason **Direct Tel. No.** 020 7641 7540

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Regent's Park Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 3 You must apply to us for approval of a methodology of the following parts of the development
- alterations to the existing decorative gate piers.

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

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Regent's Park Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 4 You must not disturb existing ornamental features. You must leave them in their present position unless changes are shown on the approved drawings or are required by conditions to this permission. You must protect those features properly during work on site.

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Regent's Park Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (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 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 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 <https://www.westminster.gov.uk/contact-us-building-control>
- 3 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,

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* 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. (159AA)

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.