

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 4 February 2020	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved Regent's Park	
Subject of Report	Fraser Lodge, Inner Circle, Regents Park, London, NW1 4NX		
Proposal	Installation of mechanical plant within acoustic enclosure sited in excavated area to northern elevation of Fraser Lodge with additional planted screening		
Agent	Ms Rebecca Campbell		
On behalf of	n/a		
Registered Number	17/06129/FULL	Date amended	25 July 2019
Date Application Received	11 July 2017		
Historic Building Grade	Unlisted		
Conservation Area	Regent's Park		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

Fraser Lodge is an unlisted building within the Regent's Park Conservation Area. The building lies on the north-east side of the Inner Circle. The building provides support services and accommodation for St John's Lodge, a large private house which lies to the north-west and is a grade II* listed building.

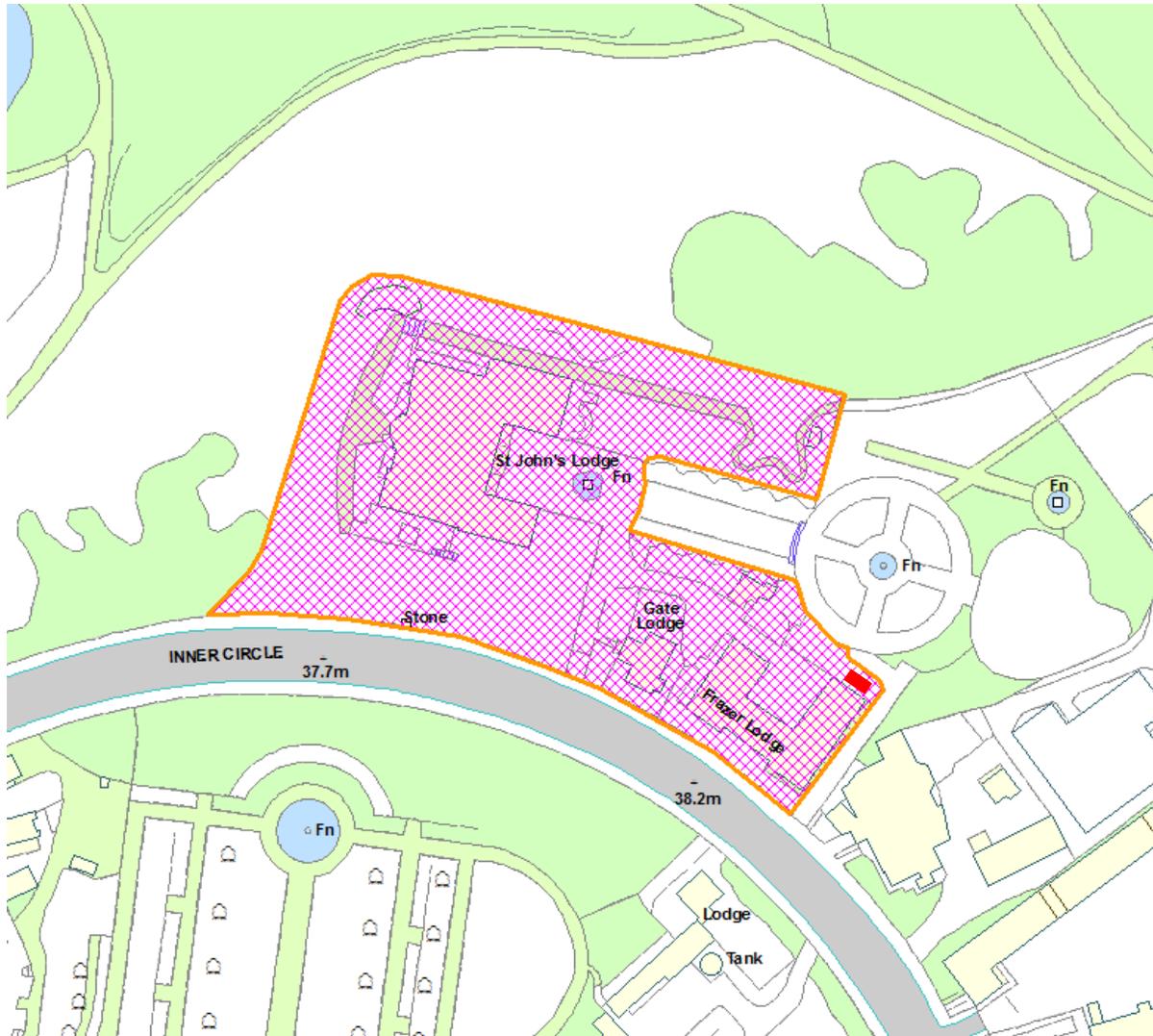
Permission was granted for external plant, immediately to the north-east of Fraser Lodge, in January 2014 (13/08599/FULL), however, the installed plant did not accord with the approved drawings and instead the plant housing has a different footprint and is taller. This application when initially submitted sought permission to retain the current plant, but to sink it slightly into the ground and to re-orientate it to minimise its visual impact from St John's Lodge Gardens (formerly a private garden associated with St John's Lodge, but now a publicly accessible garden, owned and managed by the Royal Parks as part of Regent's Park). Following lengthy discussions it was considered that the initial proposal would insufficiently mitigate the visual impact of the plant and as such an alternative design is now proposed which is to retain the plant in its current position but to introduce additional planting between it and the yew hedge that forms the boundary to St John's Lodge Gardens. The intention being to screen the plant with trees/shrubs and thus ensure that the plant is not visible from within

the gardens.

It is considered that the proposal does have the potential to overcome the concerns about the visual impact of the plant in views from the gardens and thus the proposal is recommended for approval subject to a series of conditions which aim to secure that the screening is effective.

A planning enforcement notice has been served, as the currently installed arrangement does not comply with the approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS



View of plant enclosure from within grounds of Fraser Lodge



View of plant enclosure from within St John's Lodge Gardens, statue in foreground is grade II listed.

5. CONSULTATIONS

FIRST CONSULTATION (3 August 2017):

HISTORIC ENGLAND:

No comment, recommend the application be determined in accordance with national and local policy, and on the basis of our specialist conservation advice.

THE GARDENS TRUST:

No comment.

ST MARYLEBONE SOCIETY:

Strong objection to the existing installation as it intrudes on St John's Lodge Garden both visually and in terms of noise and disturbance. Consider that any plant in this location must not be visible from the listed gardens and must allow for natural variation in hedge heights, and it must not generate noise or blasts of air in the garden.

ENVIRONMENTAL SCIENCES TEAM:

No objection.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 8

No. of objections: 4

Objection received from Regent's Park Conservation Area Advisory Committee expressing concern that noise from the plant disturbs the exceptionally peaceful area of the 'Secret Garden'.

Objection received from The Royal Parks concerned about the visual and noise impact.

Other objections, including one on behalf of the Friends of Regent's Park and Primrose Hill relate to the harm caused to the garden both in terms of visual impact and noise.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

SECOND CONSULTATION (9 August 2019 - on revised proposal to retain plant in current location but to add additional soft landscaping to screen it):

HISTORIC ENGLAND:

No comment, recommend views of our specialist conservation advisers are sought.

THE GARDENS TRUST:

No comment.

ST MARYLEBONE SOCIETY:

Strongly object. Question need for such a large plant structure. Express concern about its visual impact and noise. Suggest unit is relocated.

HEAD OF ARBORICULTURAL SERVICES:

Considers the planting and maintenance programmed to be acceptable, subject to suggested condition.

ENVIRONMENTAL SCIENCES TEAM:

No objection.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 8

No. of objections: 1 Objection on behalf of the Friends of Regent's Park and Primrose Hill relate to the harm caused to the garden both in terms of visual impact and noise. Question need for such a large plant unit and suggest it should be relocated.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

6. BACKGROUND INFORMATION**6.1 The Application Site**

Fraser Lodge is an unlisted building within the Regent's Park Conservation Area. The building lies on the north-east side of the Inner Circle. The building provides support services and accommodation for St John's Lodge, which is a large private house to the north-west and is a grade II* listed building. Immediately to the west of Fraser Lodge is a small gate lodge, again associated with St John's Lodge, which is grade II listed.

Fraser Lodge was built in the late 1980s / early 1990s and replaced a mews building which had been substantially damaged during the war. It is a two-storey building which comprises lower ground floor and ground floor built in a U-shape with a central courtyard and is in a neo-Georgian style. Because of the perimeter landscaping, the building is partially obscured from view, with its most prominent visual impact being towards the Inner Circle. Immediately to the south of Fraser Lodge is a path which provides access to St John's Lodge Gardens, which was formerly part of St John's Lodge, but which is now a garden that is open to the public and forms part of Regent's Park. There are views of Fraser Lodge from within this garden.

The garden was originally part of the grounds to St John's Lodge (but has been open to the public since 1928) and the current layout is attributed to Weir Schultz who is believed to have undertaken the landscaping in the 1890s for the then owner the 3rd Marquess of Bute. The garden design is said to reflect Arts and Crafts ideas and the design was intended to be 'fit for meditation'. The garden was renovated in 1994 by Colvin & Moggeridge to reflect the Weir Schultz plan and honour the 3rd Marquess of Bute. There are two listed statues within the gardens: the Hylas fountain sculpture of 1894/5 (moved to the garden in 1930s) by Henry A Pegram (grade II); and the Statue of a Shepherdess of 1931 by CL Hartwell (grade II). Also, the gate piers and steps at the threshold between the public garden and the private garden of St John's Lodge are grade II listed and are thought to date from 1846 and associated with Charles Barry's works at the site.

Regent's Park is a grade I registered park on Historic England's Register of Parks and Gardens. While St John's Lodge Gardens are not referred to within the description of the park, they certainly lie within the park boundary and are considered to form part of the designation.

6.2 Recent Relevant History

13/08599/FULL

Installation of mechanical plant within enclosure to garden and internal plant with louvres to main roof and driveway, alterations to fenestration and use of two garages for packing room, tanks and bin storage.

Application Permitted 21 January 2014

This decision is directly relevant to the current application. The enclosed plant approved by this decision was located adjacent to the north-east of Fraser Lodge between the building and the yew hedge that forms a boundary to St John's Lodge Gardens. In recommending approval for this scheme, the delegated report made the following remarks with respect to the visual impact of the enclosure:

"With respect to the proposed new plant and acoustic enclosure this is located in a very discreet location, with planting around it to further hide it. There would be glimpses of the enclosure from St John's Wood Gardens, but if finished in an appropriate colour it is considered that there would be very minimal visual impact and no harm caused by this, in terms of visual amenity."

At the time of this assessment the yew hedge was taller and there was far greater soft landscaping within the grounds of Fraser Lodge, such that the building itself was largely obscured from view and the proposed plant enclosure only marginally projected above the height of the hedge but was also obscured by the planting within Fraser Lodge.

14/02926/FULL

Basement extension to the side of existing house and associated alterations including alterations to fenestration and stairway.

Application Permitted 20 April 2015

14/02929/LBC

Basement extension, internal alterations including changes to lifts, stairways and fenestration and external changes to fenestration and stairways.

Application Permitted 20 April 2015

These two applications also granted permission for plant adjacent to Fraser Lodge, although in this case serving the main house (St John's Lodge). This plant is largely sunk into the lower ground floor of Fraser Lodge and is not visible from St John's Lodge Gardens. However, the noise output from this equipment is not in compliance with the planning permission and an enforcement notice has been served in relation to this.

7. THE PROPOSAL

As the subject of an enforcement enquiry this application was initially submitted in July 2017 when it was proposed to lower the height of the existing enclosure by 450mm and rotate it through 90 degrees so that its narrower dimension faced toward the gardens. From an assessment of this proposal it was an officer view that as the enclosure would then come closer to the yew hedge and as the hedge had been reduced in height and the amount of tree/shrub planting around the enclosure had been significantly reduced, that this would mean that the enclosure remained prominently visible from within St John's Wood Lodge.

The applicants were asked to look at alternative locations and options, including sinking the equipment further into the ground. However, because of other existing below ground structures and due to concerns about the impact on the root system of the yew hedge and an adjacent yew tree the option of sinking the unit further has not been possible. As a unit was approved in this location, the installation and all associated pipework are routed to this location and an alternative location elsewhere on the site has not come forward.

The current proposal therefore seeks to retain the enclosure in its current position but to introduce tree/shrub planting in the form of 3 x Photinia x Fraseri 'Red Robin'; 1 x Ilex 'Nellie Stevens'; 3 x Elaeagnus x ebbingei 'Gilt Edge'; 2 x Ceanothus Puget Blue; 1 x Arbutus unedo; and 1 x Magnolia grandiflora 'Goliath', which are to be located around the plant enclosure, with the taller planting (between 3.5m-4m) positioned between the enclosure and the yew hedge. The intention being that there will be an all year round natural green screen which would hide views of the enclosure from the gardens.

8. DETAILED CONSIDERATIONS

8.1 Land Use

There are no land use issues which arise from this proposal.

8.2 Townscape and Design

Designed as a tranquil space, 'fit for meditation', St John's Lodge Garden is a key component of the setting to St John's Lodge but is also an important heritage asset in its own right forming part of the grade I registered Regent's Park and containing listed statuary. Its peaceful and intimate character contribute to its significance. While other buildings, notably Fraser Lodge, can be seen beyond the boundary of the garden, they are of a scale and design which form a calm and complementary backdrop.

The plant enclosure that has been installed to the side of Fraser Lodge rises prominently above the yew hedge on the west side of the garden. The current condition has a harmful impact on the setting of the garden and upon the setting of the Hylas fountain sculpture, as it introduces a highly visible utilitarian and unsightly green box into a garden previously devoid of such features. It was on this basis that the enforcement notice was served.

When permission was granted for a plant enclosure in this location in 2014, it was done so on the basis that the enclosure was lower and that it was largely screened by trees and shrubs.

It remains the case that if the plant is hidden from view when within the garden, then it would be a discreetly positioned structure and would not be harmful to the garden and the relevant designated heritage assets. On the basis that the proposed planting would achieve this level of screening and subject to the suggested conditions which would secure retention and/or re-provision (should it fail) of an acceptable planted screen the proposal is considered acceptable.

Subject to compliance with the planting programme and the imposition of the proposed conditions the proposal would accord with design policies S25 and S28 of the City Plan; and DES 1, DES 5, DES 9, DES 10 and DES 12 of the UDP.

8.3 Residential Amenity

There are no impacts on residential amenity. The nearest residential properties are Fraser Lodge and St John's Lodge, both in the ownership of the applicant. Environmental Health have raised no objection to the proposal on noise grounds.

8.4 Transportation/Parking

There are no transportation/parking issues which arise from this proposal.

8.5 Economic Considerations

There are no economic issues which arise from this proposal.

8.6 Access

There are no access issues which arise from this proposal.

8.7 Other UDP/Westminster Policy Considerations

In addition to the visual impact of the plant enclosure (addressed in the Townscape and Design section) the other main concern expressed about the proposal is the impact of noise on the peaceful and tranquil nature of the garden. Policy ENV 6 of the UDP which concerns noise pollution indicates that the City Council will not permit development that would cause noise disturbance in tranquil areas.

It was evident from a site visit that the plant which is the subject of this application is almost inaudible even at very close quarters and cannot be heard from within St John's Lodge Garden. However, the plant which is nearby and approved in April 2015, is noisy and certainly audible from the garden. This plant is also the subject of an enforcement notice and it is not in compliance with the noise conditions imposed by the 2015 permission.

Because the green plant enclosure (subject of this application) is the only plant associated with Fraser Lodge and St John's Lodge that can be seen from St John's

Lodge Garden it is a natural assumption to make that the plant noise that can be heard is coming from this equipment and this has undoubtedly led to the objections on noise grounds. However, this plant is not causing a noise issue and therefore it is considered that the plant is not causing harm to the tranquil nature of the garden and subject to the imposed noise conditions, its currently quiet condition can be maintained.

8.8 Westminster City Plan

The City Council is currently working on a complete review of its City Plan. Formal consultation on Westminster's City Plan 2019-2040 was carried out under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 between Wednesday 19 June 2019 and Wednesday 31 July 2019 and on the 19 November 2019 the plan was submitted to the Secretary of State for independent examination. In the case of a draft local plan that has been submitted to the Secretary of State for Examination in Public, under Regulation 22(3) of the Town and Country Planning Act (Local Planning) (England) Regulations 2012, having regard to the tests set out in para. 48 of the NPPF, it will generally attract very limited weight at this present time.

8.9 Neighbourhood Plans

There are none applicable to this site.

8.10 London Plan

This application raises no 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.

8.12 Planning Obligations

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

8.13 Environmental Impact Assessment

Not applicable.

8.14 Other Issues

None.

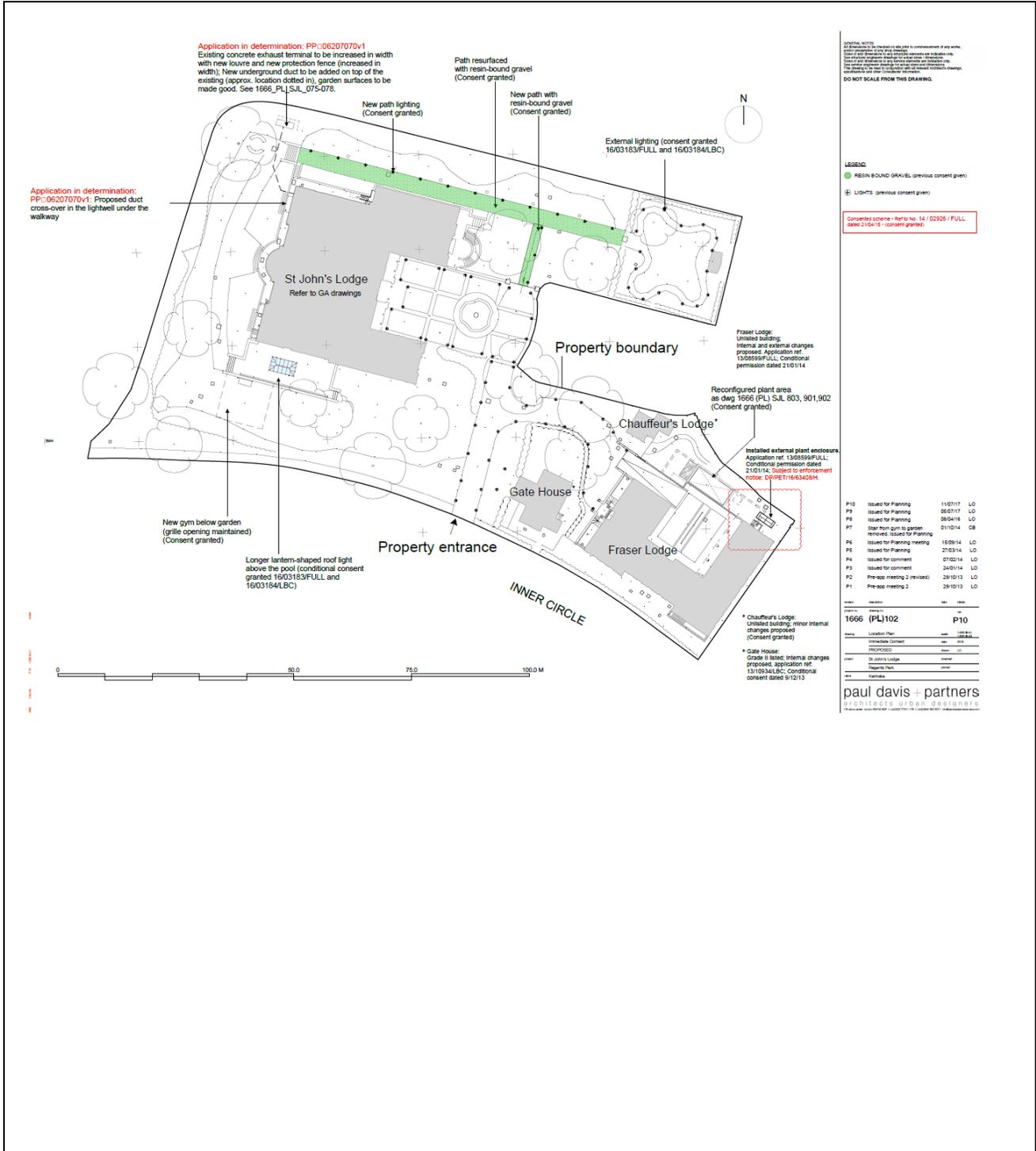
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

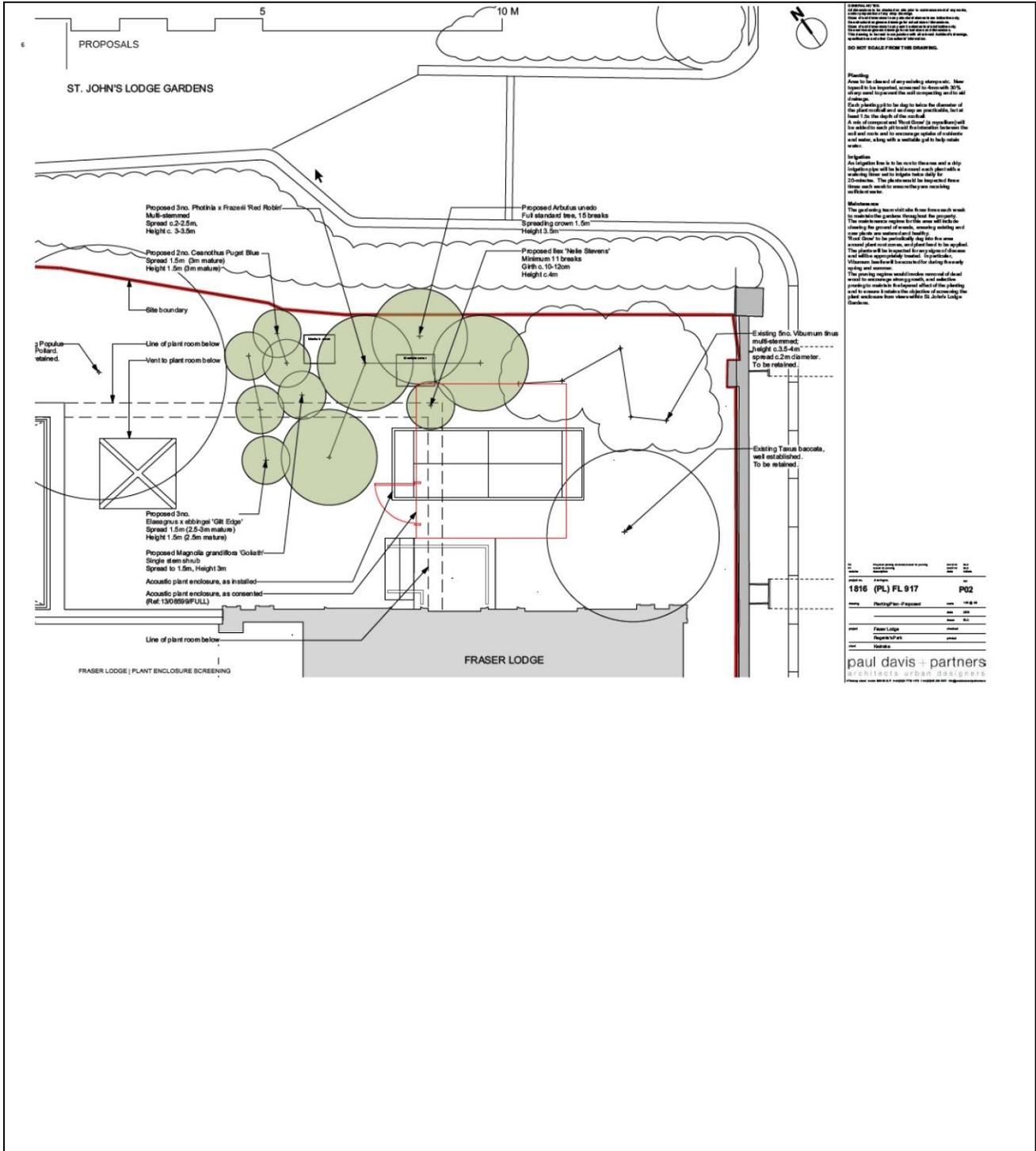
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IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: SARAH WHITNALL BY EMAIL AT swhitnall@westminster.gov.uk .
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9. KEY DRAWINGS





PROPOSALS

ST. JOHN'S LODGE GARDENS

5 10 M

PROPOSALS

Proposed Sino. Photinia x Frazeeii Red Robber
Multi-stemmed
Spread c.2-2.5m,
Height c. 3-3.5m

Proposed Arbutus unedo
Full standard tree, 15 breaks
Spreading crown 1.5m
Height 3.5m

Proposed Sino. Camellia Pungit Blue
Spread 1.5m (2m mature)
Height 1.5m (2m mature)

Proposed Ilex 'Nelle Stevens'
Minimum 11 breaks
Girth c. 10-12cm
Height c. 4m

Proposed Sino. Elaeagnus x edingii 'GR Edge'
Spread 1.5m (2.5-3m mature)
Height 1.5m (2.5m mature)

Proposed Magnolia grandiflora 'Goltsi'
Single stem shrub
Spread to 1.5m, Height 3m

Acoustic plant enclosure, as consented
(Ref: 130899W/PULL)

Line of plant room below

FRASER LODGE | PLANT ENCLOSURE SCREENING

FRASER LODGE

Existing Sino. Viburnum lnaus
Multi-stemmed,
Height c.3.5-4m
spread c.2m diameter.
To be retained.

Existing Taxus baccata,
well established.
To be retained.

Site boundary

Populus Pollard, well established.

Line of plant room below

Vent to plant room below

DO NOT SCALE FROM THIS DRAWING.

Planting
Allow 10% for the absence of any existing vegetation. Allow 10% to be replaced, increased to 20% with 20% of any new replacement trees and corresponding soil and mulch.
Early planting to be done by the end of the financial year, but at least 10% of the total planting to be done by the end of the financial year.
A note of proposed and final plant to be submitted to the client for their approval. The client will be responsible for the supply and installation of all plants and materials, including any necessary soil and mulch, and water, as long as a suitable soil to help retain water.

Irrigation
An irrigation line to be installed to the site and a drip irrigation system to be installed to the site with a watering timer set to irrigate twice daily for 20 minutes. The plan should be reviewed to ensure these lines are installed to the site.

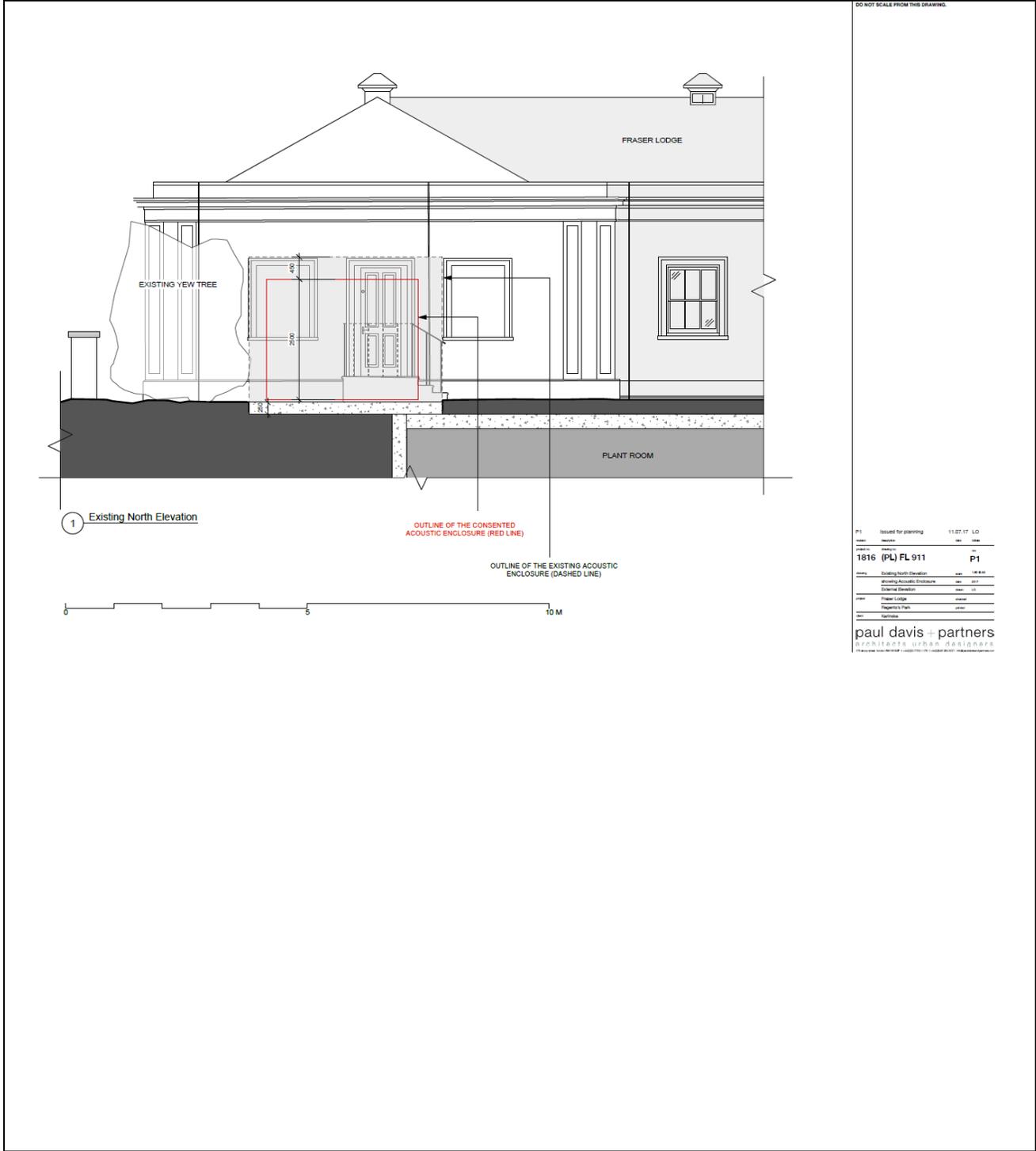
Maintenance
The planting should be done in a way that allows for the maintenance of the site. The maintenance should include the removal of any dead or damaged plants, the removal of any weeds, and the removal of any debris. The site should be maintained in a way that allows for the maintenance of the site. The plan should be reviewed to ensure these lines are installed to the site.

Existing Sino. Viburnum lnaus
Multi-stemmed,
Height c.3.5-4m
spread c.2m diameter.
To be retained.

Existing Taxus baccata
Well established.
To be retained.

1816 (PL) FL 917 P02

Paul Davis Partners



DO NOT SCALE FROM THIS DRAWING

P1	Issued for planning	11.07.17	LO
1816 (PL) FL 911			P1
1816 (PL) FL 911	Existing North Elevation	1:50	A1
	Outline Acoustic Enclosure	1:50	A1
	Existing Elevation	1:50	A1
	Plant Room	1:50	A1
	Page(s) Total	1/1	
	Scale		

paul davis + partners
ARCHITECTS URBAN DESIGNERS

DRAFT DECISION LETTER

Address: Fraser Lodge, Inner Circle, Regents Park, London

Proposal: Installation of mechanical plant within acoustic enclosure sited in excavated area to northern elevation of Fraser Lodge with additional planted screening

Plan Nos: 1666 (PL) 001/P6 (site location plan); 1666 (PL) 102/P10; 1816 (PL) FL 911/P1; 1816 (PL) FL 915/P01; 1816 (PL) FL 916/P01; 1816 (PL) FL 917/P02; 1816 (PL) FL 920/P02; document titled 'Plant Enclosure Screening' (ref. 1816(PL)902_P2, dated 20.12.2019).

Case Officer: Tom Burke

Direct Tel. No. 020 7641 2357

Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:

- 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 (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 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 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 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 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 L A90, 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 ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), 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. (R46AB)

- 3 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.26 m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property.

Reason:

As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration. (R48AA)

- 4 The planting scheme as shown on plan 1816 (PL) FL 917 P02 must be in place by 31 March 2020, or a date otherwise agreed first in writing, and retained and maintained for as long as the mechanical plant is present on site. If you remove any trees or shrubs or find that they are dying, severely damaged or diseased during the period that the mechanical plant is present on site you must replace them with trees or shrubs of the same size and species.

Reason:

To make sure that the appearance of the mechanical plant is suitable and that it has no adverse impact on the character and appearance of this part of the Regent's Park Conservation Area, specifically St John's Lodge Gardens; nor upon the setting of the listed statuary within the gardens. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 5, DES 9 and DES 10 of our Unitary Development Plan that we adopted in January 2007.

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 Conditions 2 & 3 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly.
- 3 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.

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.