

Committee: Development	Date: 28 th April 2010	Classification: Unrestricted	Agenda Item Number: 8.1
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Report of: Director of Development and Renewal	Title: Listed Building Consent
Case Officer: Richard Murrell	Ref No: PA/10/00311 Ward: Bow West

1. APPLICATION DETAILS

Location:	Victoria Park, Bow, London.
Existing Use:	Park
Proposal:	Burdett Coutt's Fountain, Victoria Park.
Drawing No./Documents:	Drawing Numbers: 2816P/011 2816P/E/015 Documents: Design and Impact Statement Specification for Conservation and Restoration Works Bats in Building Survey Report
Applicant:	London Borough Tower Hamlets (Directorate of Communities, Localities and Culture)
Ownership:	London Borough Tower Hamlets
Historic Building:	The Burdett Coutt's Fountain is Grade II Star Listed. Victoria Park is included on the Register of Parks and Gardens of Special Historic Interest at Grade II.
Conservation Area:	Victoria Park

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 2.1 The Local Planning Authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Plan (Consolidated with Alterations since 2004), the London Borough of Tower Hamlets Unitary Development Plan 1998 and associated supplementary planning guidance, the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, Core Strategy LDF (Submission Version) and Government Planning Policy Guidance and has found that:
- 2.2 The proposed works would result in the sensitive restoration and repair of a Grade II* listed structure which is currently in a state of disrepair and as such accord with the aims of saved policy DEV37 of the adopted Tower Hamlets Unitary Development Plan 1998, policies CP49 and CON1 of the Interim Planning Guidance October 2007 and policies 4B.11 and 4B.12 of the London Plan (Consolidated with Alterations since 2004) February 2008, which seek to ensure works to Listed structures preserve features of special historic and architectural interest.

3. RECOMMENDATION

3.1 That the Committee resolve to refer the application to the Secretary of State with the recommendation that were it within its authority to do so this Council would be minded to grant Listed Building Consent and that the Head of Planning and Building Control is granted delegated power to recommend to the Secretary of State conditions to secure the following matters:-

3.2 Conditions

1. Time Limit;
2. Bat survey including fountain interior;
3. Details methodology of cleaning works including monitoring of trial clean;
4. Samples of stonework / pointing to be agreed;
5. Details of re-instated sculptures submitted for approval;
6. Prior to works to interior full details submitted for approval;
7. Prior to works to restore clocks, full detail to be submitted for approval;
8. Prior to works to weathervane, full details of replacement submitted for approval;
9. Prior to installation details of pigeon deterrents and anti-vandal measures
10. Any other condition considered necessary by the Director of Development and Renewal.

4. PROPOSAL AND LOCATION DETAILS

Background

- 4.1 The Council's Directorate of Communities, Localities and Culture have developed a project for the comprehensive restoration and improvement of Victoria Park. The project includes both the improvement of the parks existing historic assets and the introduction of new facilities to meet user requirements. The restoration project is currently part of a bid process for Heritage Lottery funding.
- 4.2 Where appropriate various applications for planning permission, conservation area consent and listed building consent have been submitted to the Council. These applications are detailed in the planning history section of this report.
- 4.3 This application for Listed Building Consent is required for proposed restoration works to the Burdett Coutt's Foundation. The Council's scheme of delegation requires that where the Council is applying for works to a Listed Building that it owns, the application must be brought before Members.
- 4.4 The Council cannot determine applications for Listed Building Consent for works to buildings that it owns. Regulation 13 of the Planning (Listed Building and Conservation Areas) Regulations 1990 requires that such applications are referred to the Secretary of State, together with any representations received following statutory publicity.
- 4.5 The purpose of this report is to allow Members to recommend to the Secretary of State that

the Council would be minded to grant Listed Building Consent, were it empowered to do so itself.

Site and Surroundings

- 4.6 Victoria Park is a fine example of the English landscape park tradition. It is set out with sweeping lawns, informal tree plantings and irregular lakes. The formal axial road pattern adopted on the park's western periphery drew inspiration from the more formal terraces fringing the Royal Parks of West London. Roads in the area are broad and tree-lined, or fringed with the landscaped front gardens, all reflecting and contributing to the park setting.
- 4.7 Plans for the park were originally prepared by Sir James Pennethorne, and it was laid out in the early 1840s. The park was not formally opened, but was taken over by 'the people' in 1845. About 24 acres were added to the park in 1872, more or less bringing it to its present 217 acres.
- 4.8 Victoria Park is designated as Metropolitan Open Land and a Grade II Listed Historic Park. The park is also designated as a Site of Nature Conservation Importance. The Hertford Union Canal runs along the park boundary and forms part of the Blue Ribbon Network. Routes on the Strategic Cycle Network, and the London Cycle Network Plus run through the Conservation Area from west to east.
- 4.9 The Burdett Coutt's Fountain is located in the eastern section of the park, to the south of the Fishing Lake. The fountain is Grade II Star Listed. The listing extends solely to the structure of the fountain, and not does include any surrounding land.
- 4.10 The fountain was the gift of Angela Burdett Coutts and completed in 1862. The fountain was designed by Henry Darbishire, but the materials were prescribed by Ms Burdett Coutts herself. Mrs Burdett Coutts inherited a fortune from her banker grandfather in 1837 and she devoted her life to charitable works, paying particular attention to the relief of poverty in the East End of London.
- 4.11 The fountain is designed in an elaborate Victorian gothic style, with Moorish touches. The fountain consists of a solid octagonal central chamber surrounded by an octagonal rib-vaulted arcade, which rests on a wide plinth of the same shape with a flight of steps in each face. The fountain has an ogee pointed lead roof of shaped slates and has clock faces alternating with small windows. On alternate faces of the core chamber, shallow shell-headed niches hold heroic sized marble boys on dolphins, who pour water from urns into wide granite basins. On the western face there is small door above which an inscription reads 'THE VICTORIAN FOUNTAIN'.
- 4.12 The structure is one of the remaining early features of Victoria Park and is a physical reminder of the many charitable works undertaken by Angela Burdett Coutts.
- 4.13 The fountain has been subject to vandalism, its structure is deteriorating with pigeons roosting in roof and evidenced of water ingress. The fountain has undergone restoration at least twice during its lifetime. The structure is currently in poor condition. It is surrounded by damaged modern, elaborate post uprights, part repaired by wire netting.
- 4.14 This application seeks Listed Building Consent for the repair and restoration of the fountain. The proposed works are detailed more fully in the Design section of this report.

Planning History

- 4.15 A suite of planning applications has been submitted to facilitate works required in the Victoria

Park Masterplan. To date these comprise:-

- 4.16 PA/09/02554 Installation of items of play equipment over 4m high.
Approved: 14 January 2010
- 4.17 PA/09/02555 Installation of new gates and railings at Cadogan Gate Entrance and St Marks Entrance. Formation of new entrance and installation of gates to Grove Road.
Approved: 14 January 2010
- 4.18 PA/09/02556 Re-instatement of Chinese pagoda and two bridges to the restored island within the west lake. Restoration of east lake.
Approved: 15 February 2010
- 4.19 PA/09/02558 Relocation of existing bandstand within east side of park.
Approved: 14 January 2010
- 4.20 PA/09/02748 'Sports Hub' - Erection of single storey building to provide changing facilities, manager's office and public w.c.'s.
Approved: 11 February 2010
- 4.21 PA/09/02749 'Eastern hub' - Erection of a single storey building to provide public w.c.'s, cafe, community meeting room and park manager's office.
Approved: 11 February 2010
- 4.22 PA/09/02750 'Victoria and Alexandra Shelter' - Conversion of existing ancillary park shelter, store and w.c.'s to an all weather facility with enclosed community room, public w.c.'s and ranger station.
Approved: 11 February 2010
- 4.23 PA/09/2557 Demolition of toilet block, sports storage block, deer shelter and one o'clock club buildings.
Approved: 23 February 2010

5. POLICY FRAMEWORK

5.1 The following policies are relevant to the application:

5.2 Unitary Development Plan 1998 (as saved September 2007)

Policies: DEV37 Alterations of Listed Buildings

5.3 Interim Planning Guidance for the purposes of Development Control

Core Strategies: CP49 Historic Environment
Policies CON1 Listed Buildings

5.4 **Core Strategy 2025: Development Plan Document (Submission Version December 2009)**

Policy SP12: LAP 5 & 6 – Making Victoria Park a 21st Century Open Space

5.5 **Supplementary Planning Guidance/Documents**

None relevant

5.6 **Spatial Development Strategy for Greater London (London Plan) (2008)**

4B.11 London's Built Heritage
4B.12 Heritage Conservation
4D.14 Biodiversity

5.7 **National Planning Guidance**

PPS5 Planning for the Historic Environment
PPS9 Biodiversity

5.8 **Community Plan** The following Community Plan objectives relate to the application:

A better place for living safely
A better place for living well
A better place for learning, achievement and leisure

6. CONSULTATION RESPONSE

6.1 The views of the Directorate of Development & Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

6.2 The following were consulted regarding the application:

English Heritage (Statutory Consultee)

6.3 English Heritage state that they warmly welcome the proposed restoration works as part of the overall park restoration scheme. They consider that the submitted condition survey and specification are very thorough. However, English Heritage consider that it is important that the interior of the monument is inspected at the earliest opportunity to further inform the ongoing architectural and structural investigations.

6.4 *Officer comment: A condition would require any further survey work to be carried out prior to any works to the interior.*

Garden History Society (Statutory Consultee)

6.5 No comments received

Natural England (Statutory Consultee)

6.6 No comments received.

7. LOCAL REPRESENTATION

7.1 A site notice was displayed and an advertisement was also inserted in the East End Life newspaper. Given the size of Victoria Park and the distance to the closest residential

properties it was not necessary to send neighbour notification letters.

7.2 The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

7.3 No of individual responses: 1 Objecting: 1 Supporting: 0
No of petitions received: 0

7.4 The letter raised concerns about the lack of any proposals to prevent vandalism to the Fountain after restoration, and noted railings were erected around the fountain in 1992.

7.5 *Officer comment: The wider restoration project will improve facilities for rangers in the park, which will lead to improved security.*

8. MATERIAL PLANNING CONSIDERATIONS

8.1 When determining listed building consent applications, section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires that special regard should be paid to the desirability of preserving the building or its setting, or any features of special interest.

8.2 The main issue for Members' to consider is whether the proposed restoration works are appropriate in this respect.

Design and impact on features of historic interest

8.3 London Plan (Consolidated with Alterations since 2004) February 2008 policies 4B.11 and 4B.12 state that Boroughs should seek to enhance and protect the historic environment and promote the beneficial use of built assets.

8.4 Saved policy DEV37 of the Unitary Development Plan 1998 (UDP) states that proposals to alter listed buildings or structures will be expected to preserve the special architectural or historic interest of the building. In particular, it requires that alterations retain and repair original architectural features and that any works are undertaken with traditional materials.

8.5 Policies CP49 and CON1 of the Interim Planning Guidance October 2007 (IPG) state that any works to listed buildings will only be supported if they do not have an adverse impact on the character, fabric or identity of the building and if they are appropriate in terms of design scale, detailing and materials.

8.6 The fountain is currently in a state of disrepair, and in places has been subject to vandalism. The application proposes the following works of restoration and repair to the structure of the fountain:

Cleaning

8.7 The fountain would be cleaned, and all guano, dirt, plant growth and surface discolouring removed. Cleaning trials would be used to determine the most appropriate method/s and materials to achieve a satisfactory level of cleaning without damaging the monument in the short or long term. Small existing areas of graffiti would be removed. Suitable methods may involve variable steam pressure system, manual mechanical cleaning using hand-held tools and/or use of appropriate solvents/reagents. The intention is to produce a more even appearance of the monument, without over cleaning. A condition would require the submission of a finalised methodology of the cleaning works prior to works taking place.

Mortar and stonework repairs

8.8 Repairs would be undertaken to loose and friable stonework. Mortar would be raked out and

replaced with a suitable lime-based mortar that matches the existing in terms of texture and colour. Where specified, missing stone-work would be replaced and joints made good. Works would take place on all eight elevations, the steps and the outer ring of stone slabs.

- 8.9 Casting of elements (e.g. the decorative figure astride a dolphin and other carvings) would be made for archival purposes. Where the replacement of sculptural elements is required, a condition would require the submission of detailed drawings for approval to the local planning authority.

Interior Space and roof structure

- 8.10 The interior space would be thoroughly cleaned and all guano removed. Cast iron and lead pipe work would be repaired / reinstated to ensure adequate rainwater removal. To date the interior of the fountain has not been surveyed. A condition would require the submission of a survey and full details of any proposed works.

Lead roofing

- 8.11 Tears, holes and missing fixings in the roof would be repaired, and the roof cleaned.

Further works including replacement of weathervane / restoration of clocks and fountain to working condition

- 8.12 The application notes that the potential for the clocks (including faces, hands and working mechanism) to be restored to full working order will be investigated. Further work will also assess if the fountain can be reconnected to a water supply. The submitted schedule also notes that anti-vandal mechanisms and pigeon deterrents may be installed. If these works are brought forward, details would be required by condition.

Design conclusion

- 8.13 The proposed works would ensure that the fountain is cleaned, that damaging plant growth is removed and that it is made weatherproof. The potential for the reinstatement of original features including works to the interior of the fountain, sculptural elements, the clocks and the weathervane would require further investigation and detailed design work. This would be secured by condition.
- 8.14 The proposed works would result in the sensitive restoration and repair of a Grade II* Listed structure which is currently falling into a state of disrepair. Conditions would secure the use of appropriate materials and the detailed methodology of the execution of the works. With the imposition of these conditions the proposal would accord with the aims of saved policy DEV37 of the adopted Tower Hamlets Unitary Development Plan 1998, policies CP49 and CON1 of the Interim Planning Guidance October 2007 and policies 4B.11 and 4B.12 of the London Plan (Consolidated with Alterations since 2004) February 2008, which seek to ensure works to Listed structures preserve features of special historic and architectural interest.

Other issues

- 8.15 The application has been accompanied by a report detailing the findings of a survey which assesses whether the fountain is likely to be a bat roost. The study notes that the fountain has a low to moderate potential to support bats. The study did not include an inspection of the interior of the fountain.
- 8.16 The Council would recommend that further survey work is carried out to ensure that the potential for the interior of the building to support bats is fully investigated prior to the commencement of any works. With this safeguard the Council is satisfied that works would be acceptable in terms of London Plan (consolidated with alterations since 2004) 2008 policy 3D.14, which seeks a proactive approach to the protection, promotion, and management of

biodiversity.

Conclusions

- 8.17 All other relevant policies and considerations have been taken into account. The Secretary of State can be advised that this Council would have been minded to grant Listed Building Consent for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.