

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 23 January 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Marylebone High Street	
Subject of Report	1-18 York Terrace East, London, NW1 4PT,		
Proposal	Use of buildings as 13 single dwellinghouses (Class C3); removal and replacement of roof, floors, non original stairs; retention of all facades and spine walls and reinstatement of the properties as individual dwellings; excavation of an additional basement beneath existing buildings and extending underneath the rear gardens facing Regents Park.		
Agent	Savills		
On behalf of	Westbourne Capital Partners		
Registered Number	17/06973/FULL and 17/06974/LBC	Date amended/ completed	8 January 2018
Date Application Received	4 August 2017		
Historic Building Grade	I		
Conservation Area	Regent's Park		

1. RECOMMENDATION

For Committee's Views

- i) Do Members agree that the maximum amount of affordable housing which has been identified by our consultants (21.9%) as being viable must be provided on site, the proposal for 13 large townhouses fails to optimise the use of this site, contrary to policy S14 of the City Plan and the applicant has failed to justify loss of the existing student accommodation use, contrary to policy S15 of the City Plan and policy H6 of the Unitary Development Plan;
- ii) That, in view of the policy priority to seek affordable housing on site the current proposal to fund Chesterfield Lodge for the construction of 44 affordable units together with the applicant's revised payment in lieu (£7,600,000.00) is not an acceptable alternative; and
- iii) Subject to i) and ii) and if the applicant does not revise the scheme in line with the above recommendations, the applications should be refused by the Director of Planning via his delegated powers.

2. SUMMARY

The application site contains a grade I listed terrace on the south side of Regent's Park and within the Regent's Park Conservation Area. The buildings are currently in use as student accommodation (Use Class Sui Generis), a private school for 3-8 year olds and a rotary club (Both Use Class D1).

Planning permission and listed building consent are sought for the use of the buildings as 13 single dwellinghouses (Use Class C3). Excavation of an additional basement level beneath the existing buildings and underneath the rear gardens facing Regent's Park is also proposed. Several internal alterations, including removal and replacement of the roof, floors, and stairs, whilst retaining the facades and spine walls is also proposed.

The applications have been amended during the course of the application to reduce the size of the northern lightwells and reduce the extent of the basement excavation in order to address concerns relating to trees.

The key considerations are:

- Loss of the existing specialist housing and social and community uses;
- Provision of affordable housing;
- Impact on the special architectural and historical interest of this Grade 1 listed building and the character and appearance of the conservation area;
- Impact on trees; and
- Impact on highways.

Policy S14 of the City Plan requires that 35% of the residential floorspace proposed should be affordable. No on-site affordable housing is proposed. In lieu of this, the applicant is offering to pay the full cost of constructing 44 affordable units at Chesterfield Lodge in St John's Wood (equivalent to 25.4% floorspace provision) and offering payment in lieu of £7.6 million towards the City Council's affordable housing fund. The proposal has been tested by the City Council's viability consultants who advise that it is possible to provide 21.9% of the floorspace on-site as affordable.

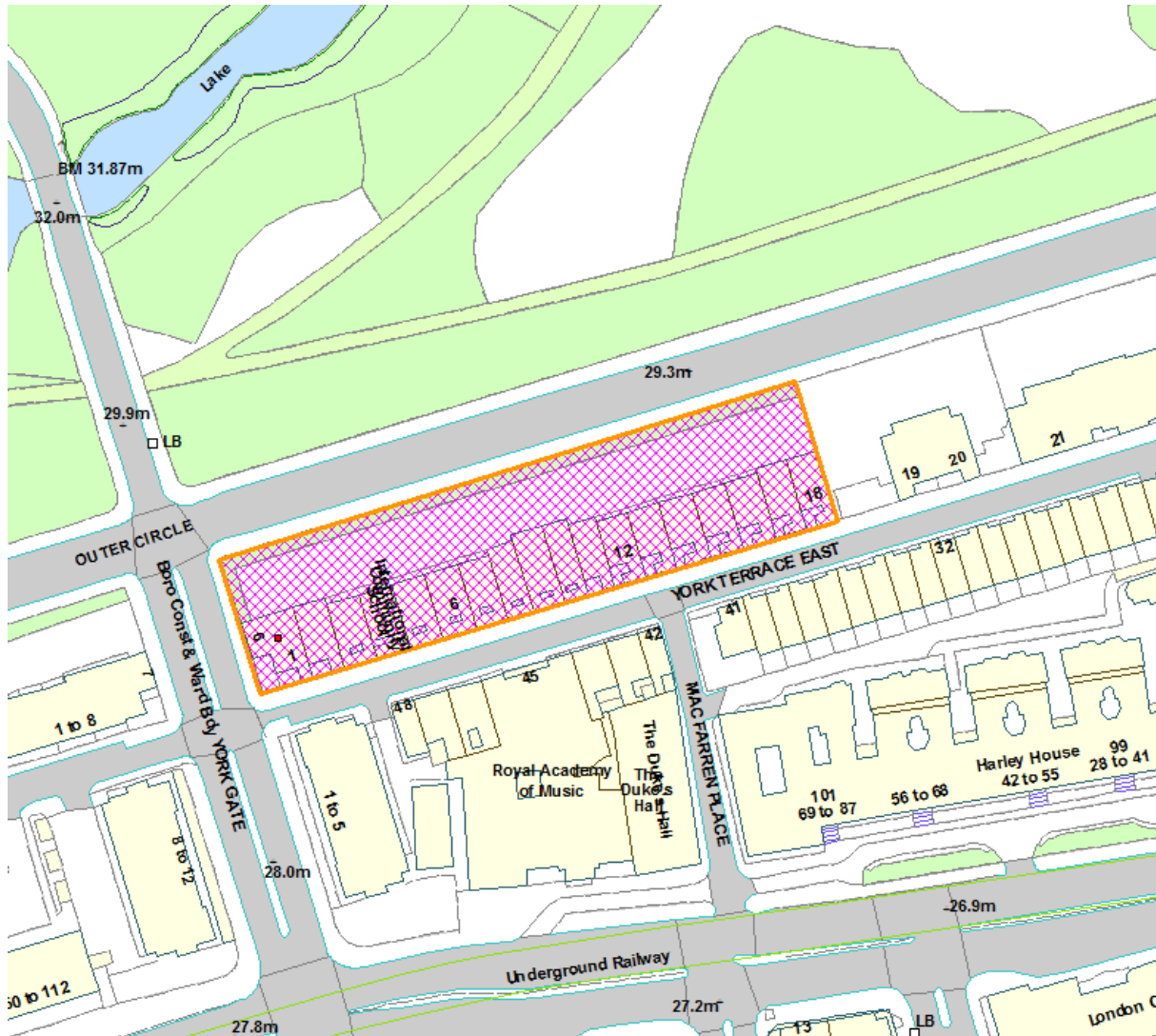
The applicants advise that the offer of on-site provision and a payment in lieu would provide significantly more affordable housing and the early delivery of 44 affordable units. Therefore, Members views are sought in respect of this offer.

The proposed change of use would result in the loss of the student accommodation use, which is a form of specialist housing protected by policy S15 of the City Plan and policy H6 of the Unitary Development Plan. The 13 large dwellinghouses proposed would also fail to optimise housing provision on this site, contrary to policy S14 of the City Plan. The City Council's viability consultant advises that it would be possible to provide more residential units on-site without compromising the viability of the development. However, the amount of on-site affordable floorspace would fall to 17%. Accordingly, Members views are sought on these issues.

With regards to the listed building consent, the proposal would result in less than substantial harm to these designated heritage assets. In the absence of an acceptable land use proposal, this harm is not outweighed by the public benefits of the proposed development. Members are asked to consider whether, if they consider that the proposed land use acceptable,

the public benefits of the development outweigh the less than substantial harm identified. In making this consideration, Members must have special regard to the statutory requirement to give great weight to the desirability of preserving or enhancing heritage assets. Members must also consider the legislative requirement for applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Aerial view of application site as seen from north (over Regents Park)



Subject site as seen from York Terrace East

5. CONSULTATIONS

INITIAL CONSULTATION PERIOD – EXPIRED 12 SEPTEMBER 2017

WARD COUNCILLORS

No response received.

HISTORIC ENGLAND

Application should be determined in accordance with national and local policy guidance and on the basis of specialist conservation advice.

THE ST MARYLEBONE SOCIETY

Return to residential use is welcome. Would like to see the original plan form and detailing restored. Basements appear to be artificially lit and ventilated which is not sustainable. Worries regarding noise and nuisance during construction period to neighbours.

MARYLEBONE ASSOCIATION

Any response to be reported verbally.

REGENTS PARK CONSERVATION AREA ADVISORY COMMITTEE

Objection on the grounds that the proposed lightwells and access steps would substantially harm the uniform appearance of the terrace. Also object to the planting scheme, specifically that the proposed hedges would interrupt longer views and to the diminution in scale of the private garden between the terrace and the Outer Circle

CHILDREN'S SERVICES

Any comments to be reported verbally.

FRIENDS OF REGENTS PARK & PRIMROSE HILL

Any comments to be reported verbally.

BUILDING CONTROL

No adverse comments to make regarding the basement methodology in principle.

CLEANSING

No objection subject to conditions.

HIGHWAYS PLANNING

Objection if off -site car parking provision in the vicinity is associated with existing residential units resulting in the loss of spaces contrary to TRANS23 Proposal would be policy compliant if no parking provided because on street parking occupancy is below the specified threshold.

AFFORDABLE HOUSING SUPPLY MANAGER

Affordable Housing should be provided on site as part of any planning consent connected with this scheme in line with adopted planning policy subject to formal engagement with affordable housing providers.

ARBORICULTURAL SECTION

Objection on the grounds of the loss of the majority of trees on site and the likely loss or damage to the retained trees and significant harm to the visual amenity and to the character and appearance of the conservation area and to the setting of Regents Park.

THE GEORGIAN GROUP

No comment.

THE VICTORIAN SOCIETY

Any response to be reported verbally.

SOCIETY FOR THE PROTECTION OF ANCIENT BUILDINGS

Any response to be reported verbally.

COUNCIL FOR BRITISH ARCHAEOLOGY

Any response to be reported verbally.

TWENTIETH CENTURY SOCIETY

Any response to be reported verbally

ANCIENT MONUMENTS SOCIETY

Any response to be reported verbally

CROWN ESTATE PAVING COMMISSION

Raises concerns regarding the basement excavation and lightwells and resultant erosion of setting of listed building and integrity of ornamental communal garden enclosures in addition to the loss of garden surface area. Enlargement of basement light wells, provision of extended platforms over and addition of spiral staircase within the basement wells and railings and planters will cause visual harm. There would also be a risk of pressure for additional ventilation to basements. Reduction of width of communal garden in favour of north facing private spaces which will be of little utility to owners undesirable. Sculpture in communal garden should be omitted. Landscaping does not reflect Nash's original concept of picturesque planting. Elements proposed are too formal and regular. Request that re landscaping of ornamental garden at junction of York Gate and York Terrace East should be approved by Crown Estate Paving Commission. Wish retention of railings on the southern frontage of terrace to prevent parking on footway.

THE ROYAL PARKS

Any comments to be reported verbally

TRANSPORT FOR LONDON

Proposed level of 18 car parking spaces excessive and contrary to London Plan policy 6.13. Proposed cycle parking provision on lower ground floor level is neither convenient or accessible contrary to Policy 8.2.16 in the London Plan.

LONDON UNDERGROUND LIMITED

No comment.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 480

Total No. of replies: 5
No. of objections: 2
No. neutral 3
No. in support: 0

In summary, the objections and neutral comments raised include the following issues

Land use

- No affordable housing on site

Design

- Railings concealed by continuous planting
- Staircase from houses to garden unacceptable
- Poor proposed landscaping
- Light pollution impact from building
- Destruction of original proportions of communal garden
- Will railings to communal garden and pavement slabs be restored?

Amenity

- Concern regarding noise from air conditioning plant , underground substations and basement

Transport

- The objection raised was to the removal of the roadside railings on the north pavement of York Terrace East as they are beneficial to traffic control to minimise parking and prevent access between the Outer Circle and Marylebone Road
- Concern regarding traffic disruption and parking

Other Matters

- Concern regarding noise and nuisance and possible disruption including access on York Terrace East during construction and construction vehicle parking
- Concern that communal garden must remain communal
- Access during construction must be only from Outer Circle with time restrictions and this should be monitored
- Developer must keep clean outside property during works.
- Concern regarding potential security risk bought by high profile residents
- Concern regarding basement excavation on water table and soil stability
- Hours of working should be restricted
- Errors in submission

PRESS ADVERTISEMENT / SITE NOTICE: Yes

SECOND CONSULTATION FOLLOWING AMENDMENTS TO SCHEME (INCLUDING REDUCTION IN SIZE OF BASEMENT EXCAVATION) – EXPIRED 11 JANUARY 2018

THE ST MARYLEBONE SOCIETY
Any response to be reported verbally.

MARYLEBONE ASSOCIATION

Any response to be reported verbally.

REGENTS PARK CONSERVATION AREA ADVISORY COMMITTEE

Objection on the grounds that the proposed basement does not include adequate soil depth. A 1.8 m soil depth should be secured by legal agreement.

Continue to object to landscape proposals and note inconsistencies between architectural and landscape plans. Landscaping plans should be consistent with Crown Estate Pavement Commissions masterplan, historic planting and York Terrace West.

BUILDING CONTROL

No objection.

ARBORICULTURAL SECTION

Maintain objection to the likely loss or damage to trees.

CROWN ESTATE PAVING COMMISSION

Any comments to be reported verbally.

HISTORIC ENGLAND

Any comments to be reported verbally

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 55

Total No. of replies: 0

No. of objections: 0

No. neutral 0

No. in support: 0

THIRD CONSULTATION FOLLOWING FURTHER REDUCTION IN SIZE OF
BASEMENT EXCAVATION – EXPIRED 17 JANUARY 2018

THE ST MARYLEBONE SOCIETY

Any response to be reported verbally.

MARYLEBONE ASSOCIATION

Any response to be reported verbally.

REGENTS PARK CONSERVATION AREA ADVISORY COMMITTEE

Any response to be reported verbally

BUILDING CONTROL

Any response to be reported verbally

ARBORICULTURAL SECTION

Any response to be reported verbally

CROWN ESTATE PAVING COMMISSION

Any responseto be reported verbally.

HISTORIC ENGLAND

No comment

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

Any response to be reported verbally.

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

The application site contains a grade I listed terrace located on the south side of Regent's Park and within the Regent's Park Conservation Area. The terrace forms part of John Nash's Regent's Park Crown Estate Development and was built between 1821-6. The site is also within the Marylebone and Fitzrovia area of the Central Activities Zone

The buildings are currently in use as student accommodation (Use Class Sui Generis), a private school for 3-8 year olds and a rotary club (Both Use Classes D1).

6.2 Recent Relevant History

There is no recent relevant planning history in relation to the site.

7. THE PROPOSAL

Planning permission and listed building consent are sought for the use of the buildings as 13 single dwellinghouses (Use Class C3). Excavation of an additional basement level beneath the existing buildings and underneath the rear gardens facing Regent's Park is also proposed. Several internal alterations, including removal and replacement of the roof, floors, and stairs, whilst retaining the facades and spine walls is also proposed.

The existing and proposed uses are set out in the table below.

	Existing Floorspace (sqm GIA)	Proposed Floorspace (sqm GIA)	Change (+/- sqm GIA)
Private School	672	0	-672
Rotary Club	218	0	-218
Student Accommodation	7,150		-7,150
Residential	0	10,318	+10,318
Total	8,040	10,318	+2,278

The size and mix of the proposed dwellinghouses is set out below:

House No	No. of Bedrooms	Floorspace (sqm GEA)
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1	6	1231
2	4	544
3	6	1119
4	6	1109
5	6	1069
6	6	869
7	4	518
8	4	546
9	4	536
10	4	546
11	4	539
12	5	520
13	5	515

No on-site car parking is proposed. However, the applicant proposes using 18 spaces in the basement level car park beneath 24-41 York Terrace East for the proposed dwellinghouses.

No on-site affordable housing is proposed. The applicant proposes developing 44 off-site affordable units at Chesterfield Lodge. Use of that property for affordable units has been granted under application ref: 16/00492/FULL. The applicant contends that it would be unviable to provide affordable units on-site.

The proposed development has been amended during the course of this application. The size of the basement has been reduced to address officer concerns. Additional arboricultural, structural and landscape information has been submitted to address the revised size of the basement level.

8. DETAILED CONSIDERATIONS

8.1 Land Use

8.1.1 Loss of Student Accommodation

Most of the building is currently in use as student accommodation operated by "International Students House" (ISH) which is a charitable organisation that offers accommodation at below market rates for British and International Students.

The City Plan specifies that student accommodation is a form of specialist housing and that it will be protected under policy S15. Similar protection is also afforded under policy H6 of the Unitary Development Plan which states that permission for changes of use from hostels (including student accommodation) will only be permitted where it is surplus to the requirements of the existing operator and there must be no demand from another organisation for a hostel in that location.

The applicant has indicated that ISH have decided to move because of their current leasehold arrangement, the listed nature of the building and the significant cost of refurbishing and maintaining this property. ISH advise that their interests are better served by selling the property and applying the proceeds to acquiring a replacement

property which could provide a greater number of student accommodation units at a modern standard.

The applicant contends that ISH's reasoning would apply to any other hostel provider. However, this could only be demonstrated through and appropriate marketing exercise. The applicant has failed to do this. Accordingly, the applicant has failed to demonstrate that there is no demand from other student accommodation or hostel providers.

The applicant also contends that the public benefits of the scheme outweigh harm caused by the loss of this student accommodation. However, and as set out below, both the applicant and the City Council consider there to be less than substantial harm to this Grade 1 heritage asset from the works proposed. Special regard must be had to the statutory requirement to give great weight to the desirability of preserving or enhancing heritage assets. Case law has found that these public benefits must be substantial to outweigh the harm caused – it is not sufficient for there to simply be public benefits or for their to be relatively minor public benefits. The public benefits put forward by the applicant (i.e. returning these building to single dwellinghouses, reinstatement of plan form, contribution to housing stock and affordable housing provision) are not considered more than substantial, particularly given the shortcomings of the affordable housing offer proposed, as set out below. It would therefore not be appropriate to also use these public benefits – to effectively “double count” them – as material considerations to justify loss of the student accommodation.

Given the above, the loss of the student accommodation would be contrary to policy S15 of the City Plan and H6 of the Unitary Development Plan.

8.1.2 Loss of Social and Community Use

The proposal would involve the loss of 672 sqm of educational use occupied by the International Community School (ICS) and 218 sqm occupied by the Rotary Club. The ICS is a fee paying school for children aged 3-8. The applicant states that the school has advised them that they can no longer viably trade from York Terrace East.

Policy S34 of the City Plan protects social and community uses. Loss of social and community floorspace will only be permitted under policy S34 where existing provision is being reconfigured, upgraded or is being re-located in order to improve services and meet identified needs as part of a published strategy by a local service provider. In all such cases the council will need to be satisfied that the overall level of social and community provision is improved and there is no demand for an alternative social and community use for that floorspace. Similar protection for social and community uses is provided under policies SOC 1 and SOC 3 of the UDP.

Paragraph 5.48 of the City Plan acknowledges that the private sector plays an important role in providing social and community uses within the City but goes on to note “*whilst these facilities provide services for local communities, they are essentially businesses and their services are available to the public on a commercial basis rather than meeting the needs of all sectors of the local community*”. Under these circumstances it is considered that the loss of this school would not be contrary to S34 of the City Plan and SOC 1 and SOC 3 of the Unitary Development Plan.

With regard to the Rotary Club, due to the limited floorspace involved (218 sqm), the fact the user intends to vacate the premises, and the fact the premises does not itself provide direct social and community uses accommodation, it is considered that the loss of this small club is acceptable in land use terms, in this particular instance.

8.1.3 Proposed Residential Use

The proposal is for thirteen residential units, all of which would be family sized dwellings. Accordingly, the proposed development would satisfy the unit mix requirements of policy H5 of the UDP.

Policy 3.4 of the The London Plan (March 2016) (“the London Plan”) specifies that, taking into account local context and character, design and public transport capacity, development should optimise housing output for different types of location within the relevant density range contained within that policy. Development proposals which compromise this policy should be resisted.

It should be noted that The Draft London Plan (December 2017) (“Draft London Plan”) does not include the density tables contained within the current London Plan. However, policy H1 of the Draft London Plan does specify that housing delivery should be optimised, especially on, inter alia, sites with high PTAL ratings and within 800 m of a tube station, rail station or town centre boundary such as this. The Draft London Plan is currently under its first round of consultation. Having regard to the tests within paragraph 216 of the NPPF, the Draft London Plan therefore has little weight.

Policy S14 of the City Plan states that the number of residential units on development sites will be optimised. The supporting text to the policy states that “*Land and buildings should be used efficiently, and larger development sites should optimise the number of units in schemes, taking into account other policies and objectives. Housing densities should reflect the densities set out in the London Plan*”.

Approximately 10,318sqm of residential floorspace will be provided by the scheme. However only 13 residential units would be provided. This is considered to be an inefficient use of this site and would not meet the requirements of Policy S14 to optimise the number of residential units on this development site.

The density proposed on the site is 30 units per hectare (based on a total site area of 0.438 hectares detailed in the applicants planning statement). This would fall well below the units per hectare standard in this location, as set out in table 3.2 of policy 3.4 of the London Plan. The lowest density range suggested for a central area with a high PTAL rating of between 4 and 6 such as this is 140-290 units per hectare.

The units vary in floorspace size from 1,231 sqm for one of the six bed units to 515sqm which is a 5 bed unit. All units are well in excess of the Nationally Described Space Standard (March 2015) and policy 3.5 of the London Plan. The largest unit would be almost 9 times the minimum space standard for a 6 bedroom, 8 person unit which is 138sqm. The smallest unit would be 4 times the size of the minimum standard for a 5 bed, 8 person property. Although it is recognised that these figures are minimum rather than maximum space standards and that that they only assess 1 to 3 storey dwellings it

gives an indication of how the residential floorspace provided on this site fails to maximise the number of residential units which can be provided.

The applicant has stated that it would not be viable to provide more units on-site. However, the City Council's viability consultant has tested several scenarios that provide a higher number of units on-site without rendering the proposal unviable or compromising the off-site viability offer proposed. This scenario would result in the provision of eight more residential units than proposed by the applicant. The City Council's viability consultant has also tested a scenario of providing 10 private flats on site within two houses in addition to 5 single houses being converted to affordable housing. This scenario would remain viable, whilst also providing more units on-site than the current proposal.

The applicant has stated that it would be difficult to increase the density of the proposal without compromising the intention to return the terrace into single dwellinghouses and adversely affecting the reinstatement of historic layouts. As discussed further below, this benefit is considered exaggerated. The original division of the terrace was 18 dwellinghouses, not 13 as proposed. The lack of surviving internal historic fabric, especially towards the western end of the terrace which suffered Second World War bomb damage, mean that there is an opportunity to provide further subdivision and to increase the number of residential units without harm to the significance of the historic building.

Given the above, the development would fail to optimise the number of residential units on site and is therefore contrary to policy 3.4 of the London Plan, policy H1 of the Draft London Plan and policy S14 of the City Plan.

8.1.4 Affordable housing

Policy S16 of the City Plan states:

'...Proposals for housing developments of either 10 or more additional units or over 1,000sqm additional residential floorspace will be expected to provide a proportion of the floorspace as affordable housing.

The affordable housing will be provided on site. Where the Council considers that this is not practical or viable, the affordable housing should be provided off site in the vicinity. Off site provision beyond the vicinity will only be acceptable where the Council considers that the affordable housing provision is greater and of a higher quality than would be possible on or off site in the vicinity.....'

The current scheme results in an increase in residential floorspace of 10,318 sqm (GIA). On the basis of the Council's Interim Guidance Note on Affordable Housing (November 2013), this generates a requirement for 35% of the total residential floorspace to be on-site affordable housing (i.e. 3,611 sqm). This equates to 45 affordable housing units.

Where it is neither practical nor viable to provide affordable housing on-site and the applicant is unable to provide off site affordable housing (either in the vicinity or beyond the vicinity), a financial contribution towards the City Council's Affordable Housing Fund may be accepted as an alternative.

The applicant contends that it is not viable to provide affordable housing on-site. They have however offered to pay to build 44 affordable housing units (approximately 3513 sqm of floorspace / 34% of the floorspace on the application site) which already have permission at Chesterfield Lodge St John's Wood (see ref: 16/00492/FULL). As part of their consideration of that permission the Planning Applications Committee agreed that those affordable units could be drawn down against as an affordable housing "credit" as the Charity did not have the funding to pay for its redevelopment. It has been estimated that the cost to build the 44 units at Chesterfield Lodge would be £14.4million. In addition to this the applicant has offered a payment in lieu of £7.6 million towards the provision of affordable housing within Westminster. This payment would be a policy compliant sum for this shortfall, using the methodology contained within the City Council's Interim Guidance Note.

The applicant has stated that on site affordable housing would not be attractive to registered providers in this case due to management issues and high service charges which would be associated with the long term maintenance of this Grade I listed building. Additionally, such provision would be in flatted format and therefore adversely impact the opportunity to return the Grade I buildings into their original use as houses.

However, the applicant has not provided any evidence from a registered provider to substantiate this claim. As discussed in the design section below and elsewhere in this report, it is not considered that there are substantial heritage benefits to restoring these buildings to 13 single dwellinghouses and therefore this reasoning is not considered valid in this particular case.

The applicant has submitted a report outlining their viability case and discussions between the applicant and the City Council's viability consultant have taken place throughout the application process. The City Council's viability consultant disagrees with the applicant's assessment. They have concluded that, although a policy compliant, on-site affordable housing contribution of 35% of floorspace would not be viable, the provision of up to 21% of floorspace (approximately 2195 sqm) on-site would be.

The City Council's viability consultant has also tested a scenario of providing 10 private flats on site within two houses in addition to five single houses being converted to affordable housing units. This is calculated as viable, although it would reduce on-site provision to 17.3% and would also provide further optimisation of residential units on site.

The applicant has not offered to provide any on site affordable housing and as such the proposal fails to accord with the City Council's affordable housing policy and is contrary to Policy S16 of the City Plan.

It is recognised that there are benefits in the applicants offer to pay to build 44 affordable housing units at Chesterfield Lodge as this would enable the early delivery of a significant number of affordable units to the Council's housing stock. This would also result in more affordable housing floorspace than what would be viable on site (3513sqm rather than 2195sqm) and in addition include an offer of a payment in lieu of £7.6 million towards the provision of affordable housing within Westminster.

It should also be noted that policy 3.12 of the London Plan does allow off-site affordable housing provision in exceptional circumstances. Paragraph 3.74 of the supporting text to policy 3.12 does note that an exceptional circumstance includes securing a higher level of provision. This must however be considered in the context of other development plan priorities, including the need to promote mixed and balanced/sustainable communities (policy 3.9 of the London Plan of S16 of the City Plan).

However, policy S16 of the City Plan clearly prioritises the provision of on site affordable housing where it is possible to provide. Only off site provision should be considered where this is not possible and where the lack of on site provision is justified. The applicant has failed to adequately justify the absence of on-site provision. The Council leaders interim statement on Housing delivery dated June 2017 also re-emphasises the importance of this policy cascade within policy S16 and the need to fully justify providing anything other than on site provision. Accordingly, members views are sought on whether it would be appropriate to allow off-site provision in this particular instance.

8.2 Townscape and Design

The Existing Building

No's 1-18 York Terrace East is a grade I listed terrace on the south side of Regent's Park and lies within the Regent's Park Conservation Area. The terrace forms part of John Nash's Regent's Park Crown Estate Development and was built between 1821-6. It has a stuccoed palace-fronted façade towards the park and forms a pair with York Terrace West lying on either side of York Gate and in views south from the park create an impressive Regency set-piece, with the Church of St Marylebone by Thomas Hardwick terminating the vista at the southern end of York Gate.

When originally built the terrace formed a group of 18 individual houses with the entrance to each house located on the south side within York Terrace. The formal north façade, set behind a landscaped garden, presented a completed palatial front towards the park. The rear façade is generally less embellished and for the most part is brick-faced and relatively utilitarian. The sides of the terrace and the rear returns to the end houses i.e. nos. 1 & 2 and 17 & 18 are stucco-faced to complement the north façade and the wider townscape, although the classical detailing progressively diminishes towards the rear. The buildings are of five storeys (lower ground floor, ground floor and three upper storeys) with a recessive M-shaped roof behind parapets.

The entry points to each house are somewhat unusual in their design comprising a ground floor lobby structure with high-walled forecourts between the lobbies, forming a stuccoed screen onto the street. Separate entrances into these forecourts, also allowed access to the lower ground floor. Surviving plan layouts from the early part of the twentieth century (when these buildings were still used as single dwellings) shows principal rooms to the ground and first floors, a staircase compartment, typically located to the rear of the plan (i.e. lit from windows in the south façade), albeit the stair layout in nos.8, 10 and 11 was positioned in the centre of the plan, probably due to the narrower plot width of these properties.

The interest and ability to maintain these properties as single houses began to decline during the first half of the twentieth century and the Second World War initiated a phase

of considerable change to the terrace. The western end of the terrace suffered substantial bomb damage c1941, which meant that nos. 1-4 underwent considerable rebuilding. In the immediate post-war years the Ministry of Work requisitioned and occupied most of the houses (with the exception of 7, 12 and 14) and undertook internal works to link the properties, including a central corridor between several of the houses, mainly at ground, second and third floor levels.

After much public debate about the future of the Nash terraces of Regent's Park in the post-war years a programme of retention and repair was embarked upon, but in the case of York Terrace East, this didn't really get going until the late 1960s when in 1967 the International Students' Trust asked TP Bennett to draw up a scheme to convert York Terrace East into student accommodation. The work took place between 1969-71 and a contemporary account of the works included the following:

"...The conversion work has involved the complete renewal of the roofs, the internal partitions, the finishes and services of the houses and the damp-proofing of the entire warren of basements. Much of the timber floor construction was found to be sound, and has been left, but all timber construction, old and new, has been sandwiched with asbestos and thick plaster to prevent fire and all new partitions are entirely incombustible. Seven of the original staircases have been removed..."

The works to the interior were therefore quite substantial and maintained the lateral corridor links to most of the western half of the terrace as well as transforming the internal layout. In terms of external changes, the south-facing façade was modified with later extensions removed and window positions altered to give a very uniform fenestration pattern, albeit one which did not acknowledge the half-height windows that would have been in place for the staircase compartments. Also to the north-facing side of the building a continuous lightwell was introduced, with a new retaining wall introduced. At roof level a number of the roof structures were modified with the valley between the two parallel ridges filled in at regular intervals. Some of this work occurred as a result of a fire which broke out in no.11 in 1969 which damaged seven of the adjoining houses – nos. 7-13 and resulted in the introduction of new roofs to all but no.13, as well as floor replacements of varying extent within each property.

Interestingly, it was during this phase of building work and in the aftermath of the 1969 fire that the terrace was listed as Grade I in February 1970.

The majority of the terrace remains in use as student accommodation and for the most part retains the layout and work that was completed in the early 1970s. The London District Rotary Club occupy parts of nos.1 and 2; and a private school also have space within the terrace.

This account of the history of the terrace has been set out to demonstrate that it has undergone considerable change overtime, particularly the interior, which as a consequence means that its significance largely derives from its external appearance, which remains a highly important component of Nash's scheme for Regent's Park and makes a very important contribution to the character and appearance of the Regent's Park Conservation Area. It also forms an important part of the ensemble with York Terrace West, York Gate and the Church of St Marylebone and thus is an important part of the setting of these neighbouring grade I listed buildings. This is not to say that the

interiors of the terrace are without importance and in the surviving staircases, roof structures, party walls, floor structures and remnant plan form there are important components which contribute to the historic and architectural significance of this grade I listed building.

The Proposed Works

The proposal returns the terrace to its original use as a group of large residential houses, although rather than creating 18 houses it is proposed to form 13 properties, with some occupying two original houses and thus are double-width houses. The proposed 'double houses' would be nos.1-2, 4-5, 6-7, 8-9 and 10-11. In terms of the physical works associated with this proposal, it is proposed to retain the external facades, the party walls (including chimney breasts), basement vaults and the original staircases and their compartments. It is also proposed to dismantle, retain and re-use the surviving historic roof structures. Otherwise most of the interior fabric including floor structures and partition walls are to be removed, including sections of the north wall at lower ground floor level, which has been internalised by the 1960s/70s work.

In terms of external works/alterations, the principal north-facing palace façade will remain largely unaltered, other than works of repair and refurbishment.

On the rear (south-facing) façade it is proposed to re-position some windows and this relates to correcting modern alterations, so that where new staircases are being located in historic locations, the windows are to be re-positioned to their original half landing positions. Refurbishment of the brickwork to this façade is also proposed to provide a more cohesive appearance. Also on this south façade it is proposed to restore the primary and secondary entry doors, so that they will once again become separate entrances into the houses. The roofs to these lobby structures would be replaced with large flat rooflights. The courtyards to the side of these entrance lobbies will be rebuilt and incorporate a lightwell to the lower ground floor.

At roof level it is proposed that all roof finishes and modern structure is removed and that original roof structure is temporarily dismantled. It is then proposed to reform these roofs so that M-profile roofs are re-formed to nos.1, 3, 5, 6, 13, 14, 15, 16 and 17, albeit with a flat platform in the valley to accommodate low-level plant and lift-overruns. The roofs of houses 2, 4, 7, 8, 9, 10, 11, 12 and 18 would feature roof terraces behind front and rear pitched roofs, accessed by low-level sliding roof access points. The chimney stacks and pots to the party walls would all be re-instated.

The main enlargement of the terrace is in the form of a basement extension which would be formed beneath all of the terrace and extend beneath the north lightwell and under a part of the communal garden (other than to House no.18, where the basement would only be beneath the house). The construction of the basement will involve the demolition of the northern lightwell, although, following a revision to the scheme, this will be re-instated to its existing dimensions.

It is proposed to remove, refurbish and reinstate historic metalwork, including the railings to the communal garden. In the case of the latter a stone plinth would be introduced, to address changes in ground levels. Metal railings would also be introduced to the rebuilt north lightwell, in place of the existing metal grilles.

In terms of the new interiors, the proposals will broadly seek to reinstate an historic hierarchy of room sizes and spaces, with larger principal rooms re-introduced to the ground and first floors; and where new stairs are installed these will be located within historic locations. It is also intended to reinstate a Regency interior design for the primary spaces, such as cornices, chimneypieces, appropriately moulded joinery, panelled doors, window shutters etc. Given the significant level of intervention, it is also proposed to introduce new elements, so for example the new floor structures will be of steel and timber, capable of accommodating service runs and with appropriate acoustic performance. New lifts will also be introduced to all the houses, which will mean that in the double houses one of the houses will feature a staircase and the other will contain the lift.

Where the original stone staircases survive (between ground and second floors) these will be retained and new timber stairs will be re-instated in historically correct locations. Between ground and lower ground floors, the existing stairs are not original and are to be removed and new stone-finished concrete stairs would be re-instated. Where historic handrails survive these would be re-used and new ones would feature a timber handrail with simple metal balustrades. These stair details would then be matched in the new flight of stairs from lower ground floor to the new basement floor and would continue the stair down.

A new substation is proposed at lower ground floor level, accessed through a courtyard garden to the south of the entrance porch to no.1.

Assessment of Impact and Design Conclusions

For the most part the proposals will have a benign or beneficial impact upon the significance of this grade I listed terrace. The fabric and features of highest significance are for the most part retained, refurbished and better presented. There will be some harm to significance with the loss of floor structures and some original wall structure, mainly at lower ground floor level. This harm would fall within the category of 'less than substantial' and thus in accordance with the NPPF, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

The applicants have cited numerous public benefits associated with the proposed scheme and suggested that the optimum viable use is to return them to single dwellinghouses. While there are numerous enhancements to the buildings, the extent to which these result in public benefits is somewhat ambiguous and certainly some aspects of the interior works are more closely aligned to private benefits and works which would inevitably occur with any refurbishment scheme. Nevertheless, the proposed works of enhancement and refurbishment to the exterior, including repairs to railings, the south-facing façade and the re-instatement of chimney stacks and chimney pots; alongside the re-use of the original entrances to serve a residential use, would certainly amount to a quantum of public benefit.

With regard to the issue of the optimum viable use, this is also a matter at which issue may be taken. In the first instance the proposal does not restore the former 18 houses to 18 single dwellinghouses, which it seemingly could do. In the particular circumstances of this case, where the interior of the terrace has undergone considerable change and

where substantial demolition is now proposed, it is also conceivable that more residential units could be provided within the terrace, without causing any additional harm and still being able to secure many of the enhancements proposed. National guidance on the issue of viable uses includes the following relevant sections:

- *“...If there is a range of viable uses, the optimum use is the one likely to cause the least harm to the significance of the asset, not just through necessary initial changes, but also as a result of subsequent wear and tear and likely future changes.”*
- *“...The optimum viable use may not necessarily be the most profitable one....However, if from a conservation point of view there is no real difference between viable uses, then the choice of use is a decision for the owner.”*
- *“Harmful development may sometimes be justified in the interests of realising the optimum viable use of an asset, notwithstanding the loss of significance caused provided the harm is minimised.”* (Planning Practice Guidance).

This issue of optimum viable use is considered further in other sections of this report.

In the current circumstances where the proposed scheme is considered unacceptable in land use terms, then in the absence of an acceptable planning application, it is considered that the benefits of the scheme are not outweighed by the harm. It is not considered appropriate to accept the degree of harm identified to this listed terrace, without first finding an acceptable and implementable scheme, which secures the building's optimum viable use. In the absence of an appropriate land the proposed development would be contrary to policies S25 and S28 of the City Plan and DES 1 and DES 10 of the Unitary Development Plan. It would also be against the advice contained within our supplementary planning guidance - "Repairs and Alterations to Listed Buildings" (April 1996).

8.3 Residential Amenity

8.3.1 Loss of Light and Sense of Enclosure

No's 1-18 York Terrace East are a detached street block of terraced houses. The nearest properties are opposite on the southern side of the street and a semi-detached villa (No. 19 and 20 York Terrace East) to the east. There are no significant extensions beyond the existing building envelope with the exception of the basement excavation. Accordingly, the proposal would not result in unacceptable loss light or significantly increased sense of enclosure for the occupant of nearby residential properties.

8.3.2 Privacy

The proposed residential use would have the same outlook from existing windows as the existing use. It is also of a similar character to the student accommodation that it would replace, in that outlook could occur day and night and from residents. Accordingly, the proposed use would not result in a material change to the privacy of neighbouring properties.

New roof terraces are proposed to be introduced to the main roofs of seven of the new houses. Part of the pitched roof adjacent to the facades of the building would be

retained. This results in the terraces being located away from the roof edges and behind a wall of approximately 1.4metres in height above the terrace floor. Given this and the separation distance between the proposed terraces and neighbouring properties, the proposed development would not result in significant overlooking of neighbouring properties

For the above reasons the proposal is considered to meet Policy ENV13 of the UDP and Policy S29 of the City Plan.

8.3.3 Noise

Condenser units are proposed within the rear lower ground floor lightwell of each house and at roof level. The City Council's Environmental Health officer has assessed the Acoustic Report submitted with the application and subject to standard noise conditions and the submission of a supplementary acoustic report has no objection to the proposal. Subject to these conditions, the proposed development would be consistent with policies ENV 6 and ENV 7 of the UDP.

8.4 Transportation/Parking

No off-street parking is provided on the site itself. The applicant proposes that 18 car parking spaces would be secured at 24-41 York Terrace East. The applicant has confirmed that the car parking spaces do not serve existing residential properties. The car park at 24-41 York Terrace East where the applicant is securing the 18 spaces currently contains 66 spaces of which 35 are currently offered to rent to the student accommodation occupying the application site. Were the development otherwise acceptable, these off-site spaces would need to be secured through a legal agreement.

The Highways Planning Manager has confirmed that if these spaces are not attached to existing residential properties then no objection would be raised and the proposal would be policy compliant. Notwithstanding the above the Highways Planning Manager has stated that the proposal would be policy compliant if no car parking were proposed for the new units because the on street car parking spaces in the vicinity are below the 80% occupancy stress level according to the most recent parking survey. Transport for London have objected to the proposal on the basis that the proposed level of 18 car parking spaces is excessive and contrary to policy 6.13 of the London Plan. It is not considered sustainable to refuse the application on this basis as the provision of 18 car parking spaces would meet the standard set out in local plan policy TRANS 23 of the UDP.

Transport for London have also commented that the proposed cycle parking provision is neither convenient or accessible contrary to policy 6.9 of the London Plan. However, the unit sizes proposed mean that they could be adapted to provide appropriate cycle parking provision. Were the development otherwise acceptable, appropriate cycle parking could be secured by condition.

8.5 Economic Considerations

The loss of the existing uses would result in the loss of several employment opportunities from the application site. However, it is not considered sustainable to refuse permission on this basis.

8.6 Access

Due to the constraints of this Grade 1 listed buildings, level access at ground floor level cannot be practicably provided throughout the development. However, the proposal would be an improvement on the existing situation with lift access to all floors available.

8.7 Other UDP/Westminster Policy Considerations

8.7.1 Basement excavation

In July 2016 the City Council has adopted its Basement Policy (CM28.1 of the City Plan).

The applicant has submitted detailed evidence demonstrating that site specific ground conditions, drainage and water environments in the area have been investigated and taken into account when compiling the structural method statement.

The structural methodology submitted in relation to the basement excavation has been assessed by Building Control who have advised that they see no cause for concern and have raised no objection to the method of excavation for the ground conditions found in this location. Accordingly, the requirements of CM28.1 in respect of the structural impact of this part of the development have been met.

Proforma Appendix A has been submitted, demonstrating the applicant will comply with all relevant parts of the Code of Construction Practice (CoCP). This is now compulsory for all basement applications in Westminster following the council's adoption of the (CoCP) at the end of July 2016. The objections received on the grounds of congestion, noise and access during construction works can be monitored and controlled through the CoCP.

The Basement Policy requires that the proposals provide a satisfactory landscaping scheme, do not result in the loss of trees of townscape, ecological or amenity value. This will be discussed in more detail below, in the trees section of the report below. However, the applicant has revised the extent of the basement to reduce the number of trees to be removed.

An objection has been received from the St Marylebone Society on the grounds that the basements appear to be artificially lit and ventilated which is not sustainable. Policy CM28.1 does require that basements use the most energy efficient means of ventilation and lighting involving the lowest carbon emissions and that wherever practicable natural ventilation and lighting should be used where habitable accommodation is being provided. The proposal does not include any habitable accommodation at basement level. The basements accommodate swimming pools, gyms saunas and steam rooms all of which would be difficult to ventilate naturally especially within the constraints of a listed building. The applicants submitted energy report claims that carbon dioxide emissions of the proposal as a whole will be approximately 56% lower than the existing situation. The Energy Strategy states that the development will be in compliance with

the requirements of Part L of the Building Regulations and the requirement of Westminster's City Plan.

The design and conservation elements of the basement policy have been assessed in section 8.2 above.

In consideration of the policy tests set out in Section C of policy CM28.1, basements, should not extend beneath more than 50% of the garden land, should leave a margin of undeveloped garden land around the site boundary, provide a minimum soil depth of 1.2 metres and not excavate more than one storey below the lowest floor level.

The proposal extends to 50% of the garden land of the property. A margin of undeveloped land is provided between the proposed basement and the only adjoining residential property to the development site. Sufficient soil depth have been provided under most of the basement area under the garden, except for the lightwell area and a strip of land adjacent to this which appears to facilitate ventilation of the swimming pools. The proposal is for a single basement level below the existing lower ground floor. Although the floor to ceiling height proposed is greater than the 2.7m stated in the policy text it appears that this is to accommodate ducting.

8.7.2 Trees

The application has been amended to reduce the extent of the basement excavation in order to address the City Council's Arboricultural Manager's concerns relating to the loss and damage to existing trees. As a result of these amendments the proposal under consideration is to remove 8 trees in the garden area to the north of the building rather than the originally proposed 17 of the 20 trees on site.

Although regrettable the City Council's Arboricultural Manager has concluded that, on balance, the loss of these trees and the resultant impact on the amenity and character and appearance of the area would not be sufficient to merit refusal subject to a condition requiring replacement planting.

The Arboricultural Manager maintains concerns regarding the proposed construction management plan and tree protection measures. The Construction Management Plan shows a number of construction elements including vehicular site access, and the western most crane location within areas shown on the tree protection plans as fenced off from construction activity. The line of tree protection fencing is not consistent between the CMP and the Tree protection plans and the CMP provides insufficient detail to assess the impact of construction on the retained trees.

If the proposal was considered acceptable in all other respects then corresponding and consistent CMP and Tree protection drawings could be secured by condition.

8.7.3 Landscaping

There are inconsistencies in relation to the proposed landscaping plan and proposed ground floor plan with regard to the the proposed number of new trees. The City Council's Arboricultural Manager has concerns regarding the location of new trees and their proximity to existing trees.

The Crown Estate Paving Commission have a number of detailed concerns regarding the proposed landscaping scheme including the use of sculpture, the use of formal soft landscaping elements and the enclosure proposed by tree planting to the northern boundary of the site. They have also asked that the applicant consider provision of a small formal garden at the junction of York Gate and York Terrace East.

Were the development otherwise acceptable, appropriate landscaping could have been secured through appropriate conditions and informatives.

8.8 London Plan

Any relevant policies from the London Plan are raised within the appropriate section of the report.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

The draft 'Heads' of agreement proposed by the applicant are set out below:

- Provision of 44 affordable housing units at Chesterfield Lodge via the implementation and completion of planning application reference PP/16/0492/FULL. This is estimated to cost £14.4 million;
- The proposed development at 1-18 York Terrace East will not be occupied until the development at Chesterfield Lodge is completed;
- Payment in lieu towards the Council's affordable housing fund of £7,600,000 (index linked) and payable on first occupation of any of the houses;
- Any under-spend from the £14.4 million cost identified for implementing the Chesterfield Lodge permission to be given to the Council's affordable housing fund;
- Commitment to offer work based training opportunities/apprenticeships to provide one placement for every ten on site construction workers throughout the life of the development construction;
- Designation of 18 car parking spaces within the basement level car park located beneath 24-41 York Terrace East, for use by residents of the proposed development; and
- The cost of monitoring the legal agreement.

Were the development otherwise acceptable, the above planning obligations would be secured by planning condition.

Subject to any exemptions or relief available to the applicant, it is estimated that the proposal would be liable for a Mayoral CIL contribution of £134,900 and a Westminster CIL contribution of £1,544,132.

8.11 Environmental Impact Assessment

The proposal does not require an Environmental Impact Assessment.

8.12 Other Issues

Objections have also been received on a number of other grounds.

Removal of Railings

Objections have been raised by a number of neighbours and by the Crown Estate Paving Commission to the removal of the roadside railings on the north pavement of York Terrace East as these are seen as beneficial to traffic control to minimise parking and prevent access between the Outer Circle and Marylebone Road. The applicant has revised their proposals to retain these railings.

Basement Lightwells

An objection was received from the Crown Estate Paving Commission to the proposed enlargement of the basement lightwells and the resultant extension of platforms across the wells to the north elevation of the building on the grounds that the resultant reduction in the size of the communal garden area would set a precedent elsewhere and erode the integrity of the gardens and the setting of the building and cause visual harm. The applicant has since amended their proposal to reduce the size of these lightwells and platforms. These amendments are welcomed in design terms.

9. BACKGROUND PAPERS

1. Application form
2. Response from The St Marylebone Society, dated 14 September 2017
3. Responses from Building Control, dated 14 September 2017, 19th October 2017 and 18 December 2017.
4. Responses from Cleansing, dated 5 September 2017, 27 October and 21 November 2017
5. Response from Highways Planning - Development Planning, dated 3 October 2017
6. Response from Environmental Health dated 2 November 2017
7. Response from The Georgian Group, dated 29 September 2017
8. Response from Crown Estate Paving Commission, dated 15 September 2017
9. Response from Historic England (Listed Builds/Con Areas), dated 8 September 2017 and 8th January 2018
10. Response from London Underground Limited, dated 8 September 2017
11. Response from Transport for London dated 12 September 2017, 21 November 2017, 6 December 2017, 18 December 2017 and 3 January 2018.
12. Responses from Arboricultural Officer dated 18 October 2017 and
13. Letters from The Regent's Park Conservation Area Advisory Committee, 12A Manley Street, dated 24 September 2017 and 28 December 2017
14. Letters from occupier of 31, York Terrace East, dated 3 September 2017 and 11th September 2017
15. Letter from occupier of Lansdowne House, 57 Berkeley Square, dated 8 September 2017
16. Letter from occupier of 40 Harley House, Marylebone Road, dated 14 October 2017

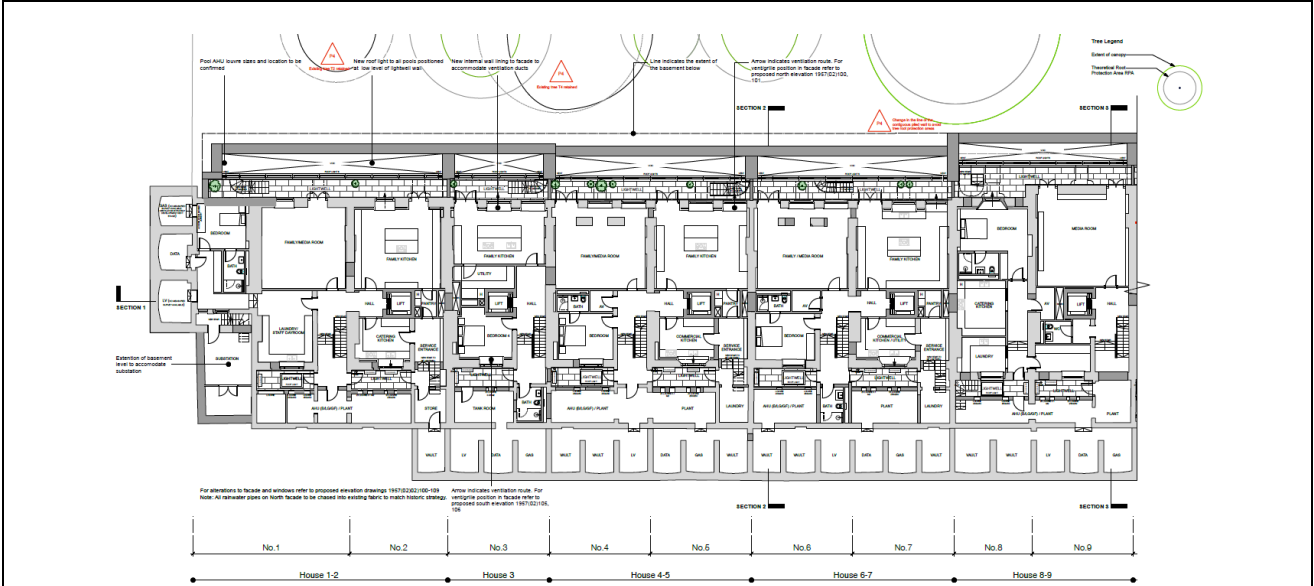
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(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

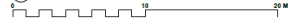
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: NATHAN BARRETT BY EMAIL AT nbarrett@westminster.gov.uk.

10. KEY DRAWINGS





1 Proposed Lower Ground Floor Plan (15)



GENERAL NOTES

All dimensions to be checked on site prior to commencement of any work. Where any discrepancy is noted, the contractor shall immediately advise the architect in writing. The architect shall not be responsible for any errors or omissions in the drawings. The contractor shall be responsible for the accuracy of the dimensions and levels shown on the drawings. The contractor shall be responsible for the accuracy of the dimensions and levels shown on the drawings. The contractor shall be responsible for the accuracy of the dimensions and levels shown on the drawings.

LEGEND

- Existing building lines
- New building lines
- Proposed parking spaces
- Proposed car spaces
- Proposed footpaths
- Proposed landscaping
- Proposed retaining walls
- Proposed drainage
- Proposed electrical services
- Proposed mechanical services
- Proposed plumbing services
- Proposed fire services
- Proposed security services
- Proposed telecommunications services
- Proposed other services

NOTES

1. All work to be carried out in accordance with the relevant Australian Standards and the relevant Building Code of Australia. 2. The contractor shall be responsible for the accuracy of the dimensions and levels shown on the drawings. 3. The contractor shall be responsible for the accuracy of the dimensions and levels shown on the drawings. 4. The contractor shall be responsible for the accuracy of the dimensions and levels shown on the drawings.

NEW PLAN



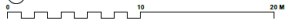
PLANNING

1957 (02)003 P4
Lower Ground Floor Plan (15)
1:10 Scale Section Set

PDP IDN Architects



20 Proposed Lower Ground Floor Plan (20)



GENERAL NOTES

All dimensions to be checked on site prior to commencement of any work. Where any discrepancy is noted, the contractor shall immediately advise the architect in writing. The architect shall not be responsible for any errors or omissions in the drawings. The contractor shall be responsible for the accuracy of the dimensions and levels shown on the drawings. The contractor shall be responsible for the accuracy of the dimensions and levels shown on the drawings. The contractor shall be responsible for the accuracy of the dimensions and levels shown on the drawings.

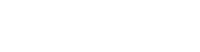
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NEW PLAN



PLANNING

1957 (02)004 P4
Lower Ground Floor Plan (20)
1:10 Scale Section Set

PDP IDN Architects

Proposed Lower Ground Floor Plans

Item No.

2

DRAFT DECISION LETTER

Address: 1-18 York Terrace East, London, NW1 4PT,

Proposal: Use of buildings as 13 single family dwellings (Class C3); removal and replacement of roof, floors, non original stairs; retention of all facades and spine walls and reinstatement of the properties as individual dwellings; excavation of an additional basement beneath existing buildings and extending underneath the rear gardens facing Regents Park. Linked to 17/06974/LBC

Reference: 17/06973/FULL

Plan Nos: 1957(00)000-P1; 1957(00)001-P1; 1957(00)003-P1; 1957(00)004-P1; 1957(00)05-P1; 1957(00)006-P1; 1957(00)007-P1; 1957(00)008-P1; 1957(00)009-P1; 1957(00)010-P1; 1957(00)011-P1; 1957(00)012-P1; 1957(00)013-P1; 1957(00)014-P1; 1957(00)100-P1; 1957(00)101-P1; 1957(00)102-P1; 1957(00)103-P1; 1957(00)104-P1; 1957(00)105-P1; 1957(00)106-P1; 1957(00)107-P1; 1957(00)108-P1; 1957(00)109-P1; 1957(00)201-P1; 1957(00)202-P1; 1957(00)203-P1; 1957(00)204-P1; 1957(02)001-P4; 1957(02)002-P4; 1957(02)003-P4; 1957(02)004-P4; 1957(02)05-P6; 1957(02)006-P6; 1957(02)007-P1; 1957(02)008-P1; 1957(02)009-P1; 1957(02)010-P1; 1957(02)011-P1; 1957(02)012-P1; 1957(02)013-P1; 1957(02)014-P1; 1957(02)100-P2; 1957(02)101-P2; 1957(02)102-P2; 1957(02)103-P2; 1957(02)104-P2; 1957(02)105-P2; 1957(02)106-P1; 1957(02)107-P2; 1957(02)108-P1; 1957(02)109-P1; 1957(02)200-P1; 1957(02)201-P1; 1957(02)202-P1; 1957(00)203-P3; 1957(00)204-P3; Design and Access Statement; Preliminary Ecological Appraisal; Transport Impact Assessment; Below Ground Historic Environment Desk-based Assessment; Landscape Report; Environmental Noise Survey; Structural Method Statement Rev03, December 2017 (for information only); Historic Building Report; Planning Statement; Sustainability Statement; Energy Statement; Preliminary Ground Movement Assessment (for information only); Construction Sequence (for information only); Drainage Strategy(for information only); Air Quality Report; Arboricultural Impact Statement Rev 4 December 2017; Construction Management Plan Rev January 2018

Case Officer: Richard Langston

Direct Tel. No. 020 7641 7923

Recommended Condition(s) and Reason(s)

Reason:

- 1 Your development does not provide on site affordable housing provision. The independent viability consultant has confirmed that an element of on site affordable housing would be viable on this site. The offer of off sit units and a payment in lieu is not considered sufficient justification for a departure from this policy. This is contrary to Policy S16 of Westminster's City Plan (November 2016).

Reason:

- 2 Your development would fail to optimise the number of residential units on site. This would not accord with policy 3.4 of the London Plan (March 2016), policy H1 of the Draft London Plan (December 2017) and policy S14 of Westminster's City Plan (November 2016).

Reason:

- 3 Your development would lead to loss of specialist housing (student accommodation). We do not consider that you have demonstrated that there is no demand from another organisation for a hostel in this location or that the circumstances of your case justify an exception to our policy. This would not accord with policy S15 of Westminster's City Plan (November 2016) and H6 of the Unitary Development Plan (adopted 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 so far as practicable. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service. However, we have been unable to seek solutions to problems as the principle of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.

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: 1-18 York Terrace East, London, NW1 4PT,

Proposal: Use of buildings as 13 single family dwellings (Class C3); removal and replacement of roof, floors, non original stairs; retention of all facades and spine walls and reinstatement of the properties as individual dwellings; excavation of an additional basement beneath existing buildings and extending underneath the rear gardens facing Regents Park. Linked to 17/06973/FULL

Reference: 17/06974/LBC

Plan Nos: 1957(00)000-P1; 1957(00)001-P1; 1957(00)003-P1; 1957(00)004-P1; 1957(00)005-P1; 1957(00)006-P1; 1957(00)007-P1; 1957(00)008-P1; 1957(00)009-P1; 1957(00)010-P1; 1957(00)011-P1; 1957(00)012-P1; 1957(00)013-P1; 1957(00)014-P1; 1957(00)100-P1; 1957(00)101-P1; 1957(00)102-P1; 1957(00)103-P1; 1957(00)104-P1; 1957(00)105-P1; 1957(00)106-P1; 1957(00)107-P1; 1957(00)108-P1; 1957(00)109-P1; 1957(00)201-P1; 1957(00)202-P1; 1957(00)203-P1; 1957(00)204-P1; 1957(02)001-P4; 1957(02)002-P4; 1957(02)003-P4; 1957(02)004-P4; 1957(02)005-P6; 1957(02)006-P6; 1957(02)007-P1; 1957(02)008-P1; 1957(02)009-P1; 1957(02)010-P1; 1957(02)011-P1; 1957(02)012-P1; 1957(02)013-P1; 1957(02)014-P1; 1957(02)100-P2; 1957(02)101-P2; 1957(02)102-P2; 1957(02)103-P2; 1957(02)104-P2; 1957(02)105-P2; 1957(02)106-P1; 1957(02)107-P2; 1957(02)108-P1; 1957(02)109-P1; 1957(02)200-P1; 1957(02)201-P1; 1957(02)202-P1; 1957(00)203-P3; 1957(00)204-P3;
Design and Access Statement; Preliminary Ecological Appraisal; Transport Impact Assessment; Below Ground Historic Environment Desk-based Assessment; Landscape Report; Environmental Noise Survey; Structural Method Statement Rev03, December 2017 (for information only); Historic Building Report; Planning Statement; Sustainability Statement; Energy Statement; Preliminary Ground Movement Assessment (for information only); Construction Sequence (for information only); Drainage Strategy(for information only); Air Quality Report; Arboricultural Impact Statement Rev 4 December 2017; Construction Management Plan Rev January 2018.

Case Officer: Richard Langston **Direct Tel. No.** 020 7641 7923

Recommended Condition(s) and Reason(s)

- Reason:
The loss of, and interventions to historic fabric would harm the significance or special interest of this grade I listed building and there would be no deliverable public benefits to set against this harm. This would not meet S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 10 of our Unitary Development Plan that we adopted in January 2007. It would also be against the advice contained within our

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supplementary planning guidance - "Repairs and Alterations to Listed Buildings" (April 1996).

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.