

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 26 November 2019	Classification For General Release	
Addendum 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 21 new dwellings; removal and replacement of roof, floors, non-original stairs; retention of all facades and spine walls; excavation of an additional basement beneath existing buildings and extending underneath the rear gardens facing Regents Park.)		
Agent	Savills		
On behalf of	c/o agent		
Registered Number	19/04384/FULL & 19/4385/LBC	Date amended/ completed	5 June 2019
Date Application Received	5 June 2019		
Historic Building Grade	Grade I		
Conservation Area	Regent's Park		

1. RECOMMENDATION

<ol style="list-style-type: none"> 1. Refuse planning permission – land use 2. Grant conditional listed building consent. 3. Agree the reasons for granting conditional listed building consent as set out in Informative 1 attached to the draft decision letter.

2. SUMMARY

<p>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 vacant but were last 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).</p> <p>Planning permission and listed building consent are sought for the use of buildings as 21 residential units; removal and replacement of roof, floors, non-original stairs; retention of all facades and spine walls; excavation of an additional basement beneath existing buildings and extending underneath the rear gardens facing Regents Park.)</p>
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Planning permission was granted in June 2018 for the use of buildings as 28 residential units (Class C3) including 26 flats and two single dwelling houses. This permission followed an earlier proposal to convert these buildings into 13 townhouses was presented to Sub-Committee on 23rd January 2018. Members resolved that the scheme was unacceptable as it failed to provide on-site affordable housing (our consultants had indicated that 17.3% was viable), failed to maximise the useage of the site as all the units proposed were large dwellings; and the applicants had failed to justify the loss of the student accommodation.

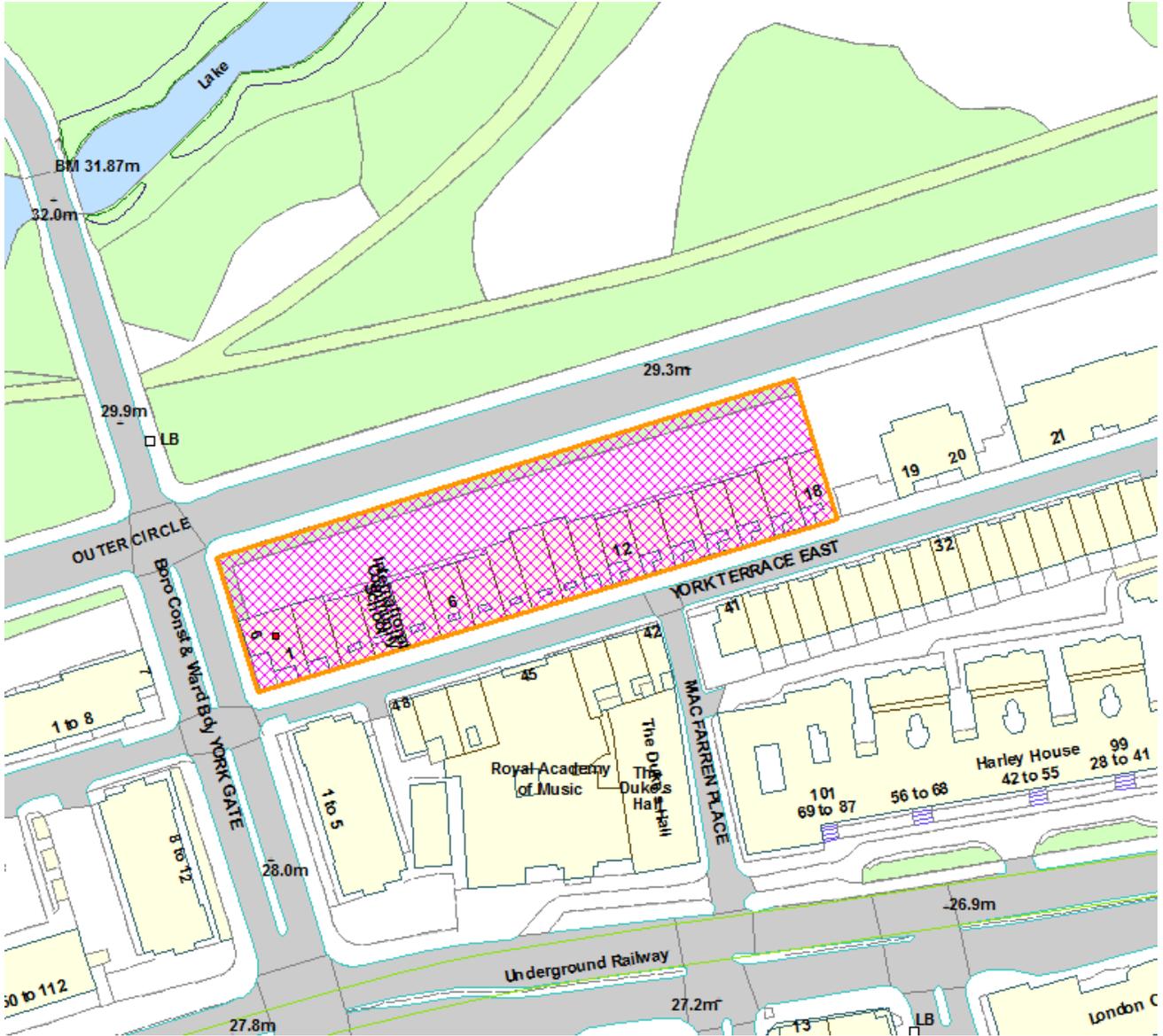
As way of some background history, planning permission has been granted for the demolition of 44 Chesterfield Lodge and the erection of a four storey building to accommodate 44 residential dwellings. This application when originally submitted was intended to be the off -site affordable housing for the No 31 London Street development (known as the 'Paddington Pole') which was later withdrawn. Although a fresh application was permitted for redevelopment of No 31 London Street (Ref 16/09050/FULL) this application no longer proposes an off-site residential component. The proposal to redevelop Chesterfield Lodge is now a stand-alone planning permission, and the applicant, like on the previous application approved in June 2018 is requesting whether the City Council will treat this scheme as an affordable housing credit. The applicant has put forward, and had approved under application 19/06932/ADFULL, a funding mechanism in a Memorandum of Understanding (MOU) which will allow monies in lieu of affordable housing from other developments to contribute towards the delivery of the Almshouse redevelopment.

The main issues in the determination of this application (over and above the scheme already approved and extant) are:

- The impact of the proposals in land use terms;
- The viability of the proposals; and
- The impact of the proposals upon the Grade I listed building and the Regent's Park Conservation Area.

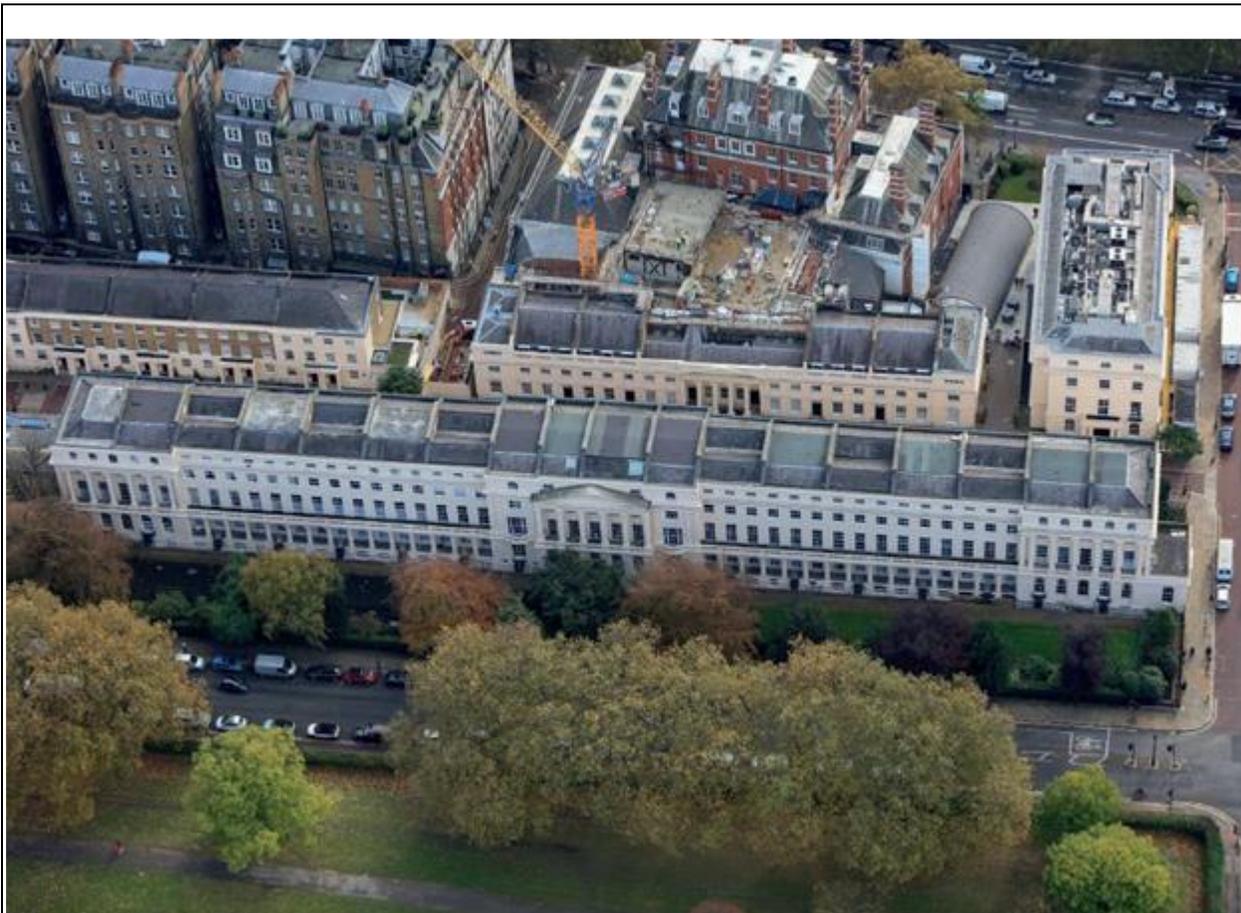
For the reasons set out within the report, the proposals are unacceptable in land use terms as the proposals fail to optimise the number of residential units on the site and recommended for refusal. Had the application been considered acceptable in land use terms, the proposals are considered acceptable in listed building, conservation and design terms.

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

WARD COUNCILLORS FOR REGENT PARK

Any response to be reported verbally.

WARD COUNCILLORS FOR MARYLEBONE HIGH STREET

Any response to be reported verbally.

HISTORIC ENGLAND

No response received, however for the previous application, they noted that the application should be determined in accordance with national and local policy guidance.

THE ST MARYLEBONE SOCIETY

Objection on the grounds that the number of units is being reduced from what was previously granted. Concerns of nearby residents are also reiterated which include, noise from the proposed airconditioning units noise and disturbance during the course of works

MARYLEBONE ASSOCIATION

Any response to be reported verbally.

FRIENDS OF REGENTS PARK & PRIMROSE HILL

Any comments to be reported verbally.

CHILDREN'S SERVICES

No comment.

LONDON UNDERGROUND

No comment

TRANSPORT FOR LONDON

Any response to be reported verbally.

CROWN ESTATE PAVING COMMISSION

This application is an improvement over the earlier permission, 17/06973/FULL as it will reduce the number of pedestrians/ cars accessing the site. Clarification is required on a number of points, including discrepancies on drawings; external communal space lighting; removal and replacement of any railing are within the CEPC ownership; all landscaping although supported in principle are subject to CPEC approval.

THE GEORGIAN GROUP

Any response to be reported verbally.

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.

BUILDING CONTROL

No response received, however in response to the previous application, no objections were made.

CLEANSING

No objection subject to condition requiring details of waste storage provision.

ARBORICULTURAL SECTION:

The basement extent is as approved under application 17/06973/FULL. Objections raised to the extent of tree removal as it is difficult to assess the differences in this regard to what has previously been approved.

HIGHWAYS PLANNING

No objection as the proposals are for similar arrangement to that approved under application 17/06973/FULL.

ENVIRONMENTAL HEALTH

Any response to be reported verbally.

AFFORDABLE HOUSING SUPPLY MANAGER

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 553

Total No. of replies: 2

No. of objections: 2

No. of letters of support: 0

Two objections received raising the following concerns:

Amenity

Noise from the airconditioning units and the impact upon existing residential units.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

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, whilst vacant have last been 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

17/06973/FULL and 19/06974/LBC:

Planning permission and listed building consent was granted in June 2018 for the use of buildings as 21 new dwellings; removal and replacement of roof, floors, non-original stairs; retention of all facades and spine walls; excavation of an additional basement beneath existing buildings and extending underneath the rear gardens facing Regents Park. This was subject to a legal agreement to secure the provision off 44 affordable units at Chesterfield Lodge as the off site affordable housing.

Chesterfield Lodge, St John's Wood Terrace:

Planning permission was granted in January 2017 for the demolition of existing building and the erection of a four storey building to accommodate 44 residential dwellings (Class C3) and associated works including landscaping and the provision of car parking. (16/00492/FULL).

This permission was recently varied in design terms mainly and resolved to be granted at the Planning Committee of 24 September 2019 (19/04932/FULL). A deed of variation to the original legal agreement is awaiting completion to reflect this amended scheme at 1-18 York Terrace East..

7. THE PROPOSAL

Planning permission and listed building consent are sought for the use of buildings as 21 new dwellings; removal and replacement of roof, floors, non-original stairs; retention of all facades and spine walls; excavation of an additional basement beneath existing buildings and extending underneath the rear gardens facing Regents Park.

It should be noted that the applicant submitted two duplicate applications (19/04387/FULL and 19/04388/LBC), to run concurrently alongside the applications subject of this report, however these were returned to the applicant.

The proposals bring forward a substantial number of principles established as part of the extant consent including the excavation beneath the terrace to create a subterranean basement storey and the replacement of the non-original elements of the roof.

Table 1: The existing and proposed uses are set out in the table below: *(taken from previous report)*

	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 residential units is set out below:

Table 2 : Residential Mix

Unit No	No. of Bedrooms	Floorspace (sqm GIA)	Vault Area (sqm)
1(house)	7	1244	30
2	4	840	73
3	3	686	48
4	2	197	
5	4	443	
6	3	309	
7(house)	10	2083	80
8	3	180	23
9	1	116	
10	1	92	
11	1	149	
12	4	431	
13	3	297	
14(house)	6	1135	46
15	1	57	
16	1	58	
17	2	150	
18	1	100	
19	2	143	24
20	1	101	
21	1	100	24
Total		9983 (10,331)	348

Table 3: Below is a land use table showing the 'as consented' scheme for information:

Unit No	No. of Bedrooms	Floorspace (sqm GIA)
1	3	443
2	2	423
3	2	163
4	2	153
5	2	319
6	2	118
7	2	119
8	1	57
9	1	56
10	1	55
11	2	140
12	2	140
13	2	109
14	2	114
15	2	114
16	1	60
17	3	202
18	3	263
19	4	648
20	2	105
21	3	290
22	3	310
23	3	444
24	3	511
25	4	661
26	3	478
27(house)	5	1147
28(house)	5	923
Common circulation and amenity	n/a	904
TOTAL		10,248

No on-site car parking is proposed. However, the applicant still proposes using spaces in the basement level car park beneath 24-41 York Terrace East for the proposed units, as per the previous permission – this will equate to 21 spaces.

No on-site affordable housing is proposed as the applicant states it is not viable. The applicant is repeating their offer to pay for the construction of 44 off-site affordable units at Chesterfield Lodge St John's Wood Terrace. As per the previous 2018 permission, the applicant in their viability assessment has assumed a cost of £15 million to construct Chesterfield Lodge, and any under spend from the £15 million cost will be given to the Council's Affordable Housing Fund.

The applicant has submitted these proposals as they contend that over the course of the last year, London has witnessed a downturn in the prime residential market, and coupled with ongoing uncertainty surrounding Brexit, the extant no longer currently represent a viable development and therefore the development at Chesterfield Lodge will be stalled. The current proposals, are argued to improve the viability of the scheme and would ensure that the Chesterfield Lodge scheme is brought forward.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Loss of Student Accommodation

The principle of the loss of the student accommodation was agreed under application 17/06973/FULL and is acceptable in land use terms, given this permission is extant and there has been no material change in Council policy.

Loss of Social and Community Use

Again, there are no land use objections to the loss of the small rotary club and nursery school, as established under the 17/06973/FULL permission..

Proposed Residential use

As way of background, the Committee in January 2018 considered that the proposal for 13 houses failed to optimise the use of these buildings and was contrary to policy S14 of the City Plan and deferred the proposals. The applicant amended the proposals to provide 28 units (2 houses and 26 flats) and members resolved to be grant permission in March. It was agreed that this was the maximum amount of units, which could be viably provided on site and the applicant was proposing to construct 44 affordable units at Chesterfield Lodge as off-site affordable housing.

It is now proposed to reduce the number of units to 21 comprising 18 flats and 3 single dwelling houses. 12 of those units are family sized (as shown in the earlier proposals table). Accordingly, the proposed development would satisfy the unit mix requirements of policy H5 of the UDP.

Whilst all units meet and exceed the nationally described minimum space standard, the proposals include a number of very large units including a 1244sqm (10 bed house), 1244sqm (7 bed house), 1135sqm (6 bedroom house), 840sqm (4 bed flat) and 686sqm (3 bed flat) which are substantially larger than those previously approved. The largest unit is still 15 times the minimum space standard (as specified in the Technical Housing Standards for a 8 person, 6 bedroom house – the standards do not account for a 10 bed house).

In terms of optimising housing delivery, Paragraph 122 of the NPPF sets out that planning policies and decisions should support development that makes efficient use of land, taking into account matters including local market conditions and viability. Policy S14 of the City Plan, *Optimising Housing Delivery*, states that residential use is the

priority across Westminster and that the Council will work to achieve and exceed its borough housing target set out in the London Plan. The principle of a residential conversion of the site has previously been accepted, and under the current development plan remains acceptable in principle. Policy S14 goes on to state that *'the number of residential units on development sites will be optimised'*.

The extant consent delivers 28 residential units on site, and cross funds the deliverability of 44 affordable housing units at Chesterfield Lodge (referred to in the planning history of this report). The applicant now argues that the current viability of the extant scheme is now a major concern and the associated deliverability of Chesterfield Lodge is at risk. The applicant argues that in order to improve the viability of the scheme a reduction of unit numbers on site is needed. The reduction in unit numbers improves the gross internal area achievable per unit/house, and as a result improves the viability of the scheme. This has been set out in a viability assessment.

According to the applicants viability assessment, the scheme remains in deficit against the agreed site value benchmark, but is more viable than the previous scheme for 28 residential units and 21 units is the highest number of units that can be delivered in a scheme that is deliverable. The revised proposal will deliver a variety of unit sizes and types, from family homes to smaller 1 and 2 bedroom apartments. The applicant contends that the mix proposed by this application seeks to strike a balance between providing a variety of housing types and sizes whilst respecting the historical significance of the Grade I listed terrace, and seeking to deliver the off-site affordable housing development at Chesterfield Lodge.

The City Council has had the viability assessment independently assessed and whilst the City Council concur that this scheme is more viable than the previously approved scheme ((and more viable than the applicants viability assessment suggests (although still technically unviable)), the extant permission clearly demonstrates that the creation of 28 units on site is achievable, with little harm to the listed building. Officers therefore consider that the reduction in unit numbers, to create 'super prime' units, to improve the viability of the scheme, clearly fails to meet the requirements of S14 in that the scheme does not optimise the housing delivery on the site. And the application is therefore recommended for refusal on this basis

As a final point to note, in terms of density levels, 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 (as stipulated in table 3.2 of the London Plan). The density levels previously approved was 63 units per hectare based and whilst this fell short of the density required, on balance this was considered acceptable. The applicant has been asked to provide officers with the density levels of the current proposals, however this has not been forthcoming.

Affordable housing

It is not considered that it is viable to provide on-site affordable housing. As with the earlier approved scheme, through viability appraisal, officers agreed that an increase in unit numbers from 13 to 28 and the affect this had on the overall viability, it is agreed that it is not viable to provide on-site affordable housing.

Policy S16 does allow the consideration of offsite provision. As with the earlier approved scheme, the applicant is offering to pay for the construction of 44 units at Chesterfield Lodge. This scheme for the St Martins in the Fields Charity has already been granted planning permission, and when granted permission, Committee Members agreed there were exceptional circumstances to justify this scheme being treated as an affordable housing credit controlled by a memorandum of understanding (MoU). This MoU is valid for 10 years from the Committee resolution.

Officers previously accepted that the applicant's offer to pay for this off site scheme will result in the early delivery of this development which a single developer will fund. The Chesterfield Lodge development would deliver approximately 3,541 sq.m of floorspace, only slightly less than the policy compliant provision of 35% (3,587 sq.m) required for this proposal, at 34%. As with the earlier scheme had this application been acceptable, any under-spend from the cost as set out in the Cast Cost Plan would have been given to the Council's affordable housing, secured through a legal agreement.

Whilst it is recognised that this proposal will secure the deliverability of 44 affordable units at Chesterfield Lodge, it is not considered that these public benefits outweighs the failure of this proposal to optimise the residential use of York Terrace East.

8.2 Townscape and Design

It is not proposed to repeat the history and description of the site, or a detailed description of all the works or a detailed assessment of significance, all of which were contained within the original committee reports dated 23 January 2018 and 27 March 2018, which is included as a background paper to this report.

The comments below focus on this amended scheme and an assessment of impact on the significance of the affected heritage assets. The important considerations in assessing the proposals are the statutory duties imposed by the Planning (Listed Buildings and Conservation Areas) Act 1990 and the relevant national and local policy context. Section 16 (2) of the Act states that "In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

Section 66 states that "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

Section 72 of the same Act states that "In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

In terms of the NPPF the key considerations are addressed in Chapter 12 with paragraphs 133 and 134 specifically addressing the issues of harm to designated heritage assets, which in the case of this application, the designated heritage assets

would comprise the building itself, its neighbouring listed buildings and the Regent's Park Conservation Area.

The main development plan policies of relevance are S25, S28 and CM28.1 of our City Plan; and DES 1, DES 5, DES 6, DES 9 and DES 10 of our UDP.

The Amended Scheme

The proposals centre on the conversion of the terrace for residential use, including three family houses at nos. 1-2, 8-11 and 17-18 York Terrace East, and the creation of apartments in the buildings at 3-7 and 12-16.

Externally, the proposals remain largely as the consented scheme. To the south elevation, the scheme would involve restoration of the single-storey screen wall by separating the middle entrances and reinstating all secondary service doors in their original locations. The existing historic doorways with their entry pavilions would be re-activated or reinstated as the primary entrances to the new houses, or, in certain cases, as the secondary entrances to the proposed double houses.

In locations where a new stair is to be constructed against the south elevation, there would be a benefit from the restoration of the windows to their historic half-landing positions. The external render and brickwork would also be repaired and restored to correct blemishes where old alterations and repairs have not been blended in.

The lightwells and service areas on the south side of the terrace would be cleared of their inappropriate extensions and alterations, to restore their original function and regularity. This would provide additional benefit of allowing more light into the lower ground floor rooms on this side of the terrace. The restored service areas would also naturally become the service areas of the new houses, with bin stores and bicycle storage provided here for each house.

The profile and roof line of the terrace would be restored through reinstatement of the historic M-profile to the roofs where historic structure remains, new slate coverings to all pitched roof areas, new lead flashings and guttering, and new chimney pots. Where no historic structure remains, it is proposed that the central valley of each roof be formed to introduce a concealed roof terrace, and the extent and locations of roof terraces remain as the consented scheme.

Internally, apart from the few remaining historic staircases, little evidence remains of the historic spatial hierarchy and finishes. It is proposed that this hierarchy be restored where appropriate through reinstatement of the historic plan form and hierarchy, along with appropriate finishes and ornamentation. This hierarchy will also be reinstated in section, as the vertical divisions between houses are repaired where possible and room hierarchies over the height of each house are re-established. These internal improvements will also benefit the external appearance of the buildings, made legible through patterns of use, lighting, and window treatments.

Party walls and historic staircases are to be retained, but it is proposed that all other internal building fabric be removed including internal walls, floors, and ceilings. This would enable the restoration of the character and scale of spaces that have been compromised by later structural interventions, such as the intrusive downstand beams in what were the principal rooms, while also upgrading the building services to a modern specification.

The interiors would also benefit from the reintroduction of characteristic decorative features that have been lost. These would include the provision of new historically detailed staircases (where historic stairs have been removed or replaced), the installation of period-style chimneypieces and suitably detailed joinery (skirting boards, architraves, doors and window shutters) and decorative plasterwork. These details would help return the interiors to their former glory.

It is also proposed that additional basement floor area is created to provide leisure facilities, plant rooms, and storage below the existing terrace and the shared gardens to the north side of the buildings. The proposed design of these basements minimises any effects on the historic buildings and respects the geometry and integrity of the houses above. The extent of the proposed basements and the provision for soil depth where they extend beneath the shared garden have both been determined in accordance with WCC guidelines.

Assessment of Impact and Design Conclusions

As with the earlier scheme, 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 retained, refurbished and better presented; and even areas of lesser significance, such as the interiors, will be enhanced and benefit from the residential use. The improvements and repair work to the roofscape, the railings and the facades, particularly the treatment of the rear façade will enhance and complement not only the building but also its surrounding Regency townscape. Overall, the scheme offers the potential to secure a long-term sustainable use for the building, alongside conserving its significance.

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. This weighing exercise must still be undertaken being mindful of the statutory duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The applicants have cited numerous public benefits associated with the proposed scheme including the following:

- *“Provision of 21 high quality private residential dwellings which seek to optimise the delivery of residential dwellings within this Grade I listed building*
- *Return of the grade I terrace to its original residential use and reinstatement / retention of numerous historical features;*
- *Comprehensive landscaping scheme based upon Nash’s original vision for this part of the Regents Park Master plan*
- *Provision of 44 off site affordable housing units within close proximity to the application site.”*

While there are numerous enhancements to the buildings, the extent to which these result in public benefits is somewhat ambiguous and 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.

In these circumstances whilst these particular proposals are unacceptable in land use terms, it is considered, mindful of our statutory duties, the elements of the terrace which are of the highest significance will be enhanced and many of these enhancements, will also have a beneficial impact upon the Regent's Park Conservation Area and upon the setting of neighbouring listed buildings. As such the proposals are acceptable in design and listed building terms and in accordance with referenced policy and legislation.

8.3 Residential Amenity

Policy S29 of the City Plan and ENV13 of the UDP relates to protecting amenities, daylight and sunlight, and environmental quality. Policy ENV 13 (D) states that the City Council will resist proposals which result in a material loss of daylight/sunlight, particularly to existing dwellings and educational buildings. Policy ENV 13 I goes on to state that developments should not result in a significant increase in sense of enclosure, overlooking, or cause unacceptable overshadowing, particularly on gardens, public open space or on adjoining buildings, whether in residential or public use.

This amended scheme does not involve any changes which would change the impact on neighbouring amenity in terms of loss of light, sense of enclosure or privacy, over what has previously been approved.

Two objections to the proposals have been received on the impact of the rooftop airconditioning units, notably those to the eastern side of the development and the impact upon existing York Terrace East residents. The plant shown on the current drawings is in the same location as previously approved. Whilst Environmental Health officers have not commented on this application, the details submitted are exactly the same as those previously submitted, which were considered acceptable. It is not considered that the plant proposed would harm the amenity of neighbouring properties and had the application been considered acceptable would have been controlled by conditions.

8.4 Transportation/Parking

As per the previous arrangements approved, although no off-street parking is provided on the site itself, the applicant proposes that car parking spaces would be secured at 24-41 York Terrace East. The previous application would have secured 28 car parking spaces, however given the reduction in the number of units in this application to 21, the applicant proposes also to reduce the number of spaces to 21. The existing carparking spaces at 24-41 York Terrace do not serve existing residential properties. This was previously accepted by the planning committee upon the recommendations of officers

and the Highways Planning Manager that no objection would be raised and the proposal would be policy compliant.

With regards to cycle parking, the proposals do not differ to those previously approved.

8.5 Economic Considerations

No new issues are raised.

8.6 Access

No new issues are raised.

8.7 Other UDP/Westminster Policy Considerations

Trees:

The arboricultural officer raised an objection to the extent of tree removal as it is difficult to assess the differences in this regard to what has previously been approved. It appears that the works are the same as those previously approved, however had the application been considered acceptable, officers would have sought further clarification.

The basement extent is as approved under application 17/06973/FULL.

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. In the case of a draft local plan that has been published and subject to consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012, including a second revision Regulation 19 plan, it remains at a pre-submission stage (i.e. has yet to be submitted to the Secretary of State for Examination in Public) and therefore, 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 is no neighbourhood plan for this area.

8.10 London Plan

This application raises no strategic issues. The relevant housing policies from the London Plan are raised within 8.1 of this report.

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

As the planning application is recommended for refusal, no planning obligations sought.

CIL payments of £1,500,221.40 (WCC CIL) and £176,000.00 (Mayors CIL), totalling £1,676,221.40 would have been liable had the application been considered acceptable.

8.13 Environmental Impact Assessment

The proposal does not require an Environmental Impact Assessment. No changes to the extent of basement excavation are proposed when compared to the previous proposal.

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

9. KEY DRAWINGS

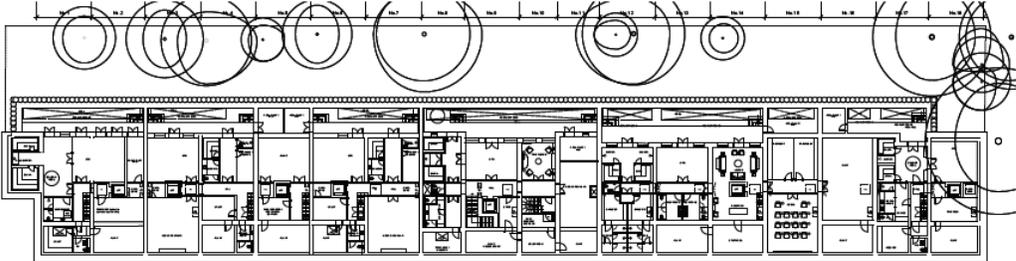
NB – EXISTING AND ‘AS APPROVED’ DRAWINGS AVAILABLE IN PREVIOUS REPORTS



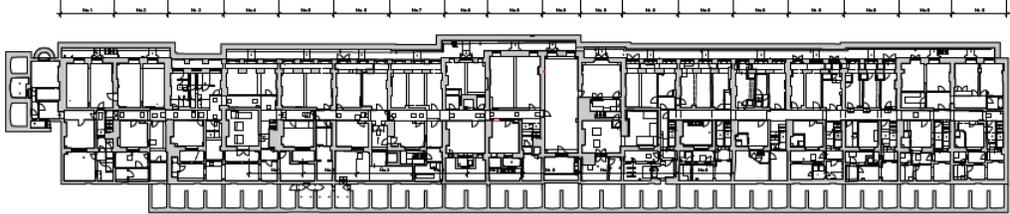
Artists impression of terrace, showing roof level alterations and lightwells and landscaping to north elevation.

Proposed Basement and Existing and Proposed Lower Ground

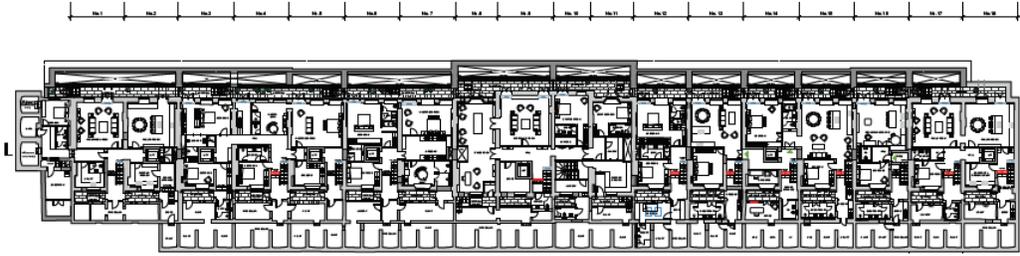
BASEMENT FLOOR PLAN
AS PROPOSED



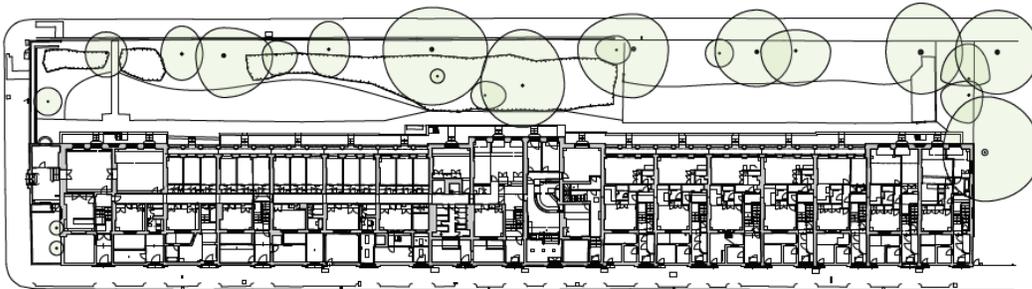
LOWER GROUND FLOOR
PLAN AS EXISTING



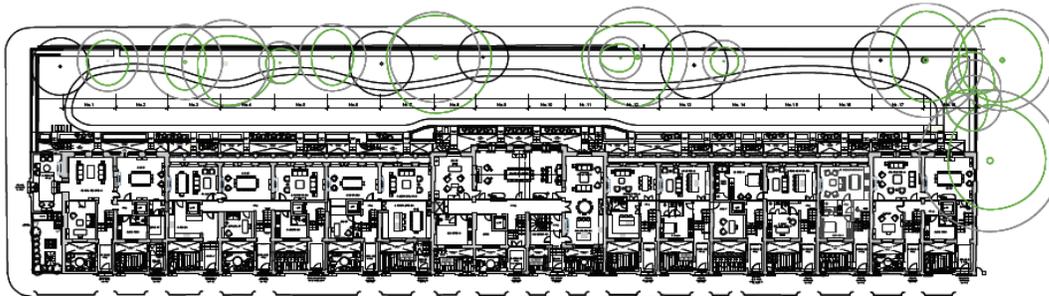
LOWER GROUND FLOOR
PLAN AS PROPOSED



Existing and Proposed Ground Floor

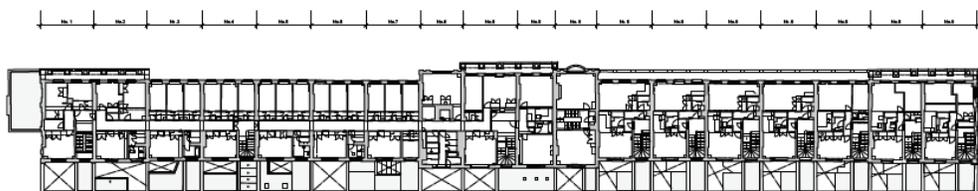


GROUND FLOOR PLAN AS EXISTING

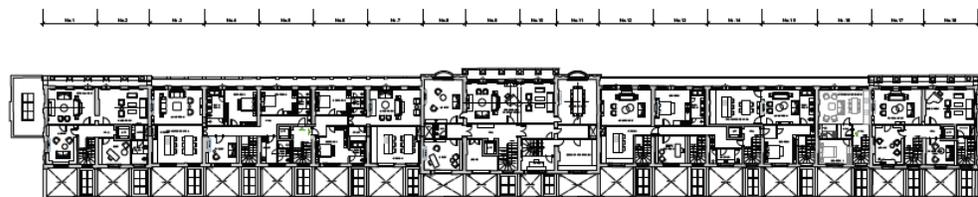


GROUND FLOOR PLAN AS PROPOSED

Existing and Proposed First Floor (typical floor plan)



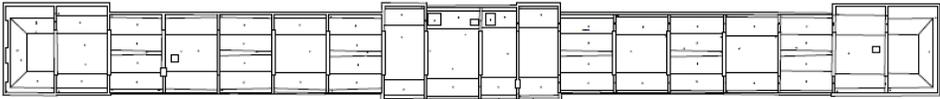
FIRST FLOOR PLAN AS EXISTING



FIRST FLOOR PLAN AS PROPOSED

Existing and Proposed Roof Plan

ROOF PLAN AS EXISTING



ROOF PLAN AS PROPOSED



Existing and Proposed South (rear) Elevation



SOUTH ELEVATION AS EXISTING



SOUTH ELEVATION AS PROPOSED

Existing and Proposed North (front) Elevation

NORTH ELEVATION AS EXISTING



DRAFT DECISION LETTER – 19/04384/FULL

- Address:** 1-18 York Terrace East, London, NW1 4PT,
- Proposal:** Use of buildings as 21 new dwellings; removal and replacement of roof, floors, non-original stairs; retention of all facades and spine walls; excavation of an additional basement beneath existing buildings and extending underneath the rear gardens facing Regents Park. (Linked to 19/04385/LBC)
- Plan Nos:** 1957:(00)000 P1;(00)003 P1; (00)004 P1; (00)005 P1; (00)006 P1; (00)007 P1; (00)008 P1; (00)009 P1; (00)010; (00) 010 P1; (00)011 P1; (00)012 P1; (00)013 P1; (00)014 P1; (00)100 P1; (00)101 P1; (00)102 P1; (00)103 P1; (00)104 P1; (00)105 P1; (00)106 P1; (00)107 P1; (00)108 P1; (00)109 P1; (00)201 P1; (00)202 P1; (00)203 P1; (00)204 P1; (01)322 P1; (01)323 P1; (01)323P1; (01)324 P1; (01)325 P1; (01)326 P1; (01)327 P1; (01)328 P1; (01)329 P1; (01)330 P1; (01)331 P1; (01)332 P1; (01)333 P1; (02)320 P1; (02)321 P1; (02)322 P1; (02)323 P1; (02)324 P1; (02)326 P1; (02) 327 P1; (02)328 P1; Design (02)329 P1; (02)330 P1; (02)331 P1; (02)332 P1; (02)333 P1; (02)340 P1; (02)341 P1; (02)342 P1; (02)350 P1; (02)351 P1; (02)352 P1; (02)353 P1; (02)354 P1; (02) 355 P1; Design and Access Statement by PDP dated 24 April 2019; Heritage Statement by Donald Inshall Associates dated April 2019; For Information Only: Construction Management Plan by Walter Lily dated 5 April 2019; Transport Impact Statement by WSP dated 22 March 2019; Sustainability and Energy Strategy by Hoare Lee dated 27 March 2019; Sustainability Statement by Hoare Lee dated 27 March 2019; Environmental Noise Survey by Hoare Lee dated 22 March 2019; Air Quality Assessment by Hoare Lee REV 5 dated 16 April 2019 ; Structural Method Statement by Waterman dated July 2017; Drainage Strategy by Waterman dated March 2019; Archaeological Assessment by Waterman dated July 2017; Arboricultural Report by Ruskins Tree Consultancy dated December 2017; Landscaping Scheme by Any Sturgeon Design; Preliminary Ecological Appraisal by Waterman.

Case Officer: Kimberley Davies

Direct Tel. No. 020 7641 5939

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

- 1 It is considered the proposals to use the buildings as 21 units fails to optimise the number of residential units, and this is reflected in the size of a number of the units, well in excess of the Nationally Described Space Standards. As such the proposal fails to comply with policy S14 of the City Plan that we adopted in November 2016. It is not considered that the proposal to pay for 44 affordable units at Chesterfield Lodge as the off-site affordable housing outweighs the failure to optimise.

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

Item No.
2

practicable. 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. 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 – 19/04385/LBC

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

Proposal: Use of buildings as 21 new dwellings; removal and replacement of roof, floors, non-original stairs; retention of all facades and spine walls; excavation of an additional basement beneath existing buildings and extending underneath the rear gardens facing Regents Park. (Linked to 19/04384/FULL)

Plan Nos: 1957:(00)000 P1;(00)003 P1; (00)004 P1; (00)005 P1; (00)006 P1; (00)007 P1; (00)008 P1; (00)009 P1; (00)010; (00) 010 P1; (00)011 P1; (00)012 P1; (00)013 P1; (00)014 P1; (00)100 P1; (00)101 P1; (00)102 P1; (00)103 P1; (00)104 P1; (00)105 P1; (00)106 P1; (00)107 P1; (00)108 P1; (00)109 P1; (00)201 P1; (00)202 P1; (00)203 P1; (00)204 P1; (01)322 P1; (01)323 P1; (01)323P1; (01)324 P1; (01)325 P1; (01)326 P1; (01)327 P1; (01)328 P1; (01)329 P1; (01)330 P1; (01)331 P1; (01)332 P1; (01)333 P1; (02)320 P1; (02)321 P1; (02)322 P1; (02)323 P1; (02)324 P1; (02)326 P1; (02) 327 P1; (02)328 P1; Design (02)329 P1; (02)330 P1; (02)331 P1; (02)332 P1; (02)333 P1; (02)340 P1; (02)341 P1; (02)342 P1; (02)350 P1; (02)351 P1; (02)352 P1; (02)353 P1; (02)354 P1; (02) 355 P1; Design and Access Statement by PDP dated 24 April 2019; Heritage Statement by Donald Insall Associates dated April 2019; For Information Only: Construction Management Plan by Walter Lily date 5 April 2019; Transport Impact Statement by WSP dated 22 March 2019; Sustainability and Energy Strategy by Hoare Lee dated 27 March 2019; Sustainability Statement by Hoare Lee dated 27 March 2019; Environmental Noise Survey by Hoare Lee dated 22 March 2019; Air Quality Assessment by Hoare Lee REV 5 dated 16 April 2019 ; Structural Method Statement by Waterman dated July 2017; Drainage Strategy by Waterman dated March 2019; Archaeological Assessment by Waterman dated July 2017; Arboricultural Report by Ruskins Tree Consultancy dated December 2017; Landscaping Scheme by Any Sturgeon Design; Preliminary Ecological Appraisal by Waterman.

Case Officer: Kimberley Davies

Direct Tel. No. 020 7641 5939

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

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

Reason:
For the avoidance of doubt and in the interests of proper planning.
- 2 You must apply to us for approval of samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials.

Reason:

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

- 3 You must apply to us for approval of detailed drawings of the following parts of the development:

- i) new windows;
- ii) typical details of new doors;
- iii) typical lantern lights, rooflights and sliding box roof lanterns to main roof terraces;
- iv) new chimney stacks and pots;
- v) external lighting;
- vi) secondary glazing showing interface with retained window joinery;
- vii) typical internal refurbishment including internal doors, architraves, skirting boards, shutters, fireplaces, new staircases and lighting;
- viii) new staircases;
- ix) plant enclosures / screens;
- x) external lightwell details including new stairs and modifications to existing bridging stairs;
- xi) new railings to north lightwell;
- xii) bin and bicycle storage structures;
- xiii) ventilation and other services terminations at façade;
- xiv) all proposed works to entry steps in south façade entrance screen.

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

Reason:

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

- 4 You must apply to us for approval of full details of the following parts of the development:

- i) a detailed specification for stucco repairs;
- ii) the proposed works of cleaning, repairs and new brickwork to the south façade. These details should include a sample panel of brickwork (minimum 1m x 1m) which demonstrates the cleaned finish, bonding details and pointing finish.

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

Reason:

To protect the special architectural or historic interest of these buildings and to make sure the development contributes to the character and appearance of the Regent's Park Conservation

Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007.

5 You must apply to us for approval of full details of the following parts of the development:

- i) A detailed methodology for the dismantlement, storage, repair (where appropriate) and re-assembly of the historic roof structures to nos. 1, 3, 5, 6, 13, 14, 15, 16 and 17;
- ii) A detailed methodology for the dismantlement, storage, repair (where appropriate) and re-assembly of the historic railings to the communal garden and elsewhere to the perimeter of the site;
- iii) Full details of means by which retained historic staircases are to be protected during construction works and any works of repair/alteration.

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

Reason:

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

6 You must apply to us for approval of full details of the following parts of the development:

- methodology and location of damp-proofing works to retained historic fabric.

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

Reason:

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

7 All new external rainwater and soil pipes shall be in cast-iron and painted black. They must be maintained in that colour thereafter.

Reason:

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

2007. (R27AC)

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

Reason:

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

Informative(s):

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework, the London Plan 2016, Westminster's City Plan (November 2016), and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations.

The City Council decided that the proposed works would not harm the special architectural and historic interest of this listed building.

In reaching this decision the following were of particular relevance:

S25 and S28 of Westminster's City Plan and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

- 2 You are advised that whilst listed building consent has been granted for the works listed in the decision notice, planning permission has not been granted for the use or the works, as listed.
- 3 With respect to the condition requiring samples of facing materials you are advised that in regard to the new roof covering we will expect this to be a natural Welsh slate.
- 4 With respect to condition requiring details of treatment of brickwork to the south façade, you are advised that despite proposal to clean the brickwork, we may conclude that some degree of toning (sootwash) is ultimately required in order to ensure a consistent appearance.

5

Item No.
2

With respect to condition relating to damp-proofing, we would expect a membrane system to be considered rather than a render system.

- 6 With respect to condition requiring details of internal doors, we may consider it appropriate to incorporate jib doors where any new doors are formed in main party walls - this will particularly be the case within main rooms facing towards the park.

- 7 With respect to condition requiring details of internal lighting, this can be in the form of a schedule of luminaires and a set of key plans indicating locations. The installation of recessed downlighters into main room spaces, particularly on ground and first floors and in rooms facing the park are unlikely to be supported other than for bathrooms.