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Dear Charlotte

**Chester Terrace Gardens**  
**Reference: 2023/0282/P**

As requested, I set down my concerns.

1. Before doing so, I thought it would be useful to give you some background details of my experience. I have been involved in property development, principally in Central London, for over 50 years. With my family, I have carried out some significant developments in Westminster, mainly in the Baker Street area, including the restoration of eleven Grade II listed Georgian buildings. I was the founding chairman of the Westminster Property Association, and have been on its board since its foundation in 1988.

I have been involved in two significant developments in Camden - the student accommodation building in Blackburn Road, West Hampstead - 327 rooms and approximately 25,000 sq ft of offices. I was also responsible for the South Hampstead Synagogue project and your colleague Alex Bushell can hopefully confirm that I am a 'straight talker'. I also prepared the viability report for the Arsenal board before they decided to proceed with the new Emirates Stadium.

2. In October 2019, I was invited by the CEPC to join the working group that was set up to consider the best way forward to repair or rebuild the balustrades in Chester Terrace. As you will see from Appendix 1, I was nominated by the Chester Terrace Residents' Association. I live at 16 Chester Terrace. I was the only member of the working group with any practical experience of construction and planning. The other members of the group were Loretta Balfour (chair of the CEPC, who retired in 2022), Mr Allan Murray Jones (chair of the CEPC gardens committee) and Nick Packard (director of the CEPC appointed in January 2020).

Over the last 3½ years, I have spent a considerable amount of time on the project, both in meetings and correspondence.

3. The issue of the disrepair of the balustrades was first raised in 2013 and then again in 2017 by the CEO of the CEPC - Mr Max Jack.

It was then raised again in September 2019 when the Chester Terrace Management Vision prepared by Todd Longstaffe-Gowan was published (Appendix 2). This report, which proposed the return of the gardens to their original Nash appearance, was not supported by the residents.

I enclose in Appendix 3 my initial view of the balustrades and also the western wall of the garden, which the CEPC thought needed rebuilding and/or raising the soil level. You will note it also includes an email from Allan Murray-Jones regarding his wish to avoid the unnecessary removal of any trees.

It should be noted that the reports (Appendix 4) were prepared by BNP, who did not have any specialist knowledge on the balustrades, foundations, trees or the historic issues.

4. There was also an interesting email from Francesca Cordiera (Appendix 5) the chair of the CTRA, which confirms that the police supported the retention of the trees and shrubbery to enhance the security for the Chester Terrace properties.

5. In March 2020, Mr Nick Packard was appointed the new director of the CEPC.

In March 2020 I provided my estimate of the time required to carry out all the professional work prior to starting the works - best estimate start in late spring 2021 (Appendix 6).

In June 2020, Sandbergs (testing laboratory) provided a report on the condition of the concrete 'bottles' that formed part of the balustrades. They concluded that the majority of the bottles had not experienced carbonisation that had reached the reinforcing steel and that there is quite often a reasonable residual cover of uncorrupted concrete.

In June 2020, Listers presented their Geotechnical Report on the soil conditions and the foundations. Their recommendations were pilings into the clay (approximately 2.5 metres below the garden level).

6. At the end of June 2020, Hurst Pierce & Malcolm issued their report which recommended the replacement of all the foundations. I believe this report has been included in the CEPC planning application. If not, I can provide a copy. The working group met on 13 July 2020 and reviewed the report (Appendix 6). It was agreed that we should replace the balustrade with one similar to Cumberland Terrace, but there was considerable concern at the disruptive nature of the proposed foundation works and that other solutions should be investigated.

Accordingly, I contacted Platypus Earth Anchoring Systems to see if their proprietary system could work. Unfortunately, it became apparent that this was not a practical option, given the extent of the services running along the roadway adjacent to the balustrade where the 200 or so anchors would need to be drilled.

7. In early August 2020, we received the first estimated project cost from the QS, which suggested a final cost of around £1.7m. The working group then met on 14 August 2020 to start exploring other options (Appendix 7).
8. In September 2020, Nick Packard contacted the CEPC's insurers, advising them of the condition of the balustrades. They requested a report and instead of just erecting warning signs and carrying out works only on the sections identified by the structural surveyor in his email of 14 September 2020, the CEPC erected barriers along the entire 220 metres of the balustrade AND Herras fencing along the pathway of the garden. This immediately turned the garden and Chester Terrace roadway into a building site.

I had assumed that the barriers would be a temporary measure until the signs and temporary reinforcement works had taken place, but they have now been in place for two and a half years and are having a detrimental effect on the setting of all the listed buildings and the listed balustrade in Chester Terrace (see Appendix 8).

The structural surveyors also prepared indicative plans for temporary scaffolding restraint (Appendix 9) but the working group did not proceed as proposed.
9. In October 2020, I wrote to Nick Packard expressing my concerns that the temporary safety works had been rushed and were not adequate (Appendix 10). On 20 October 2020, Nick Packard wrote to residents (Appendix 11). I do not accept his statement "This has caused *SIGNIFICANT* [my italics] deterioration over the last six months". I had noted just one change opposite my house.
10. In November 2020, I wrote to Nick Packard suggesting that we prepared some new plans for the garden in accordance with my discussions with the residents, who wanted to continue to use the garden (Appendix 12).
11. In November 2020, Listers carried out a further geological survey. I have not provided this document (I can, if required). It found that there was evidence of hazardous waste (land contamination) in four of the eight samples taken. Their findings would have a significant impact on the cost and disturbance of any strategy that involves major disturbance of the earth below the gardens and pathways.
12. The CEPC's surveyors obtained a quote for a 'load test' as part of the sample refurbishment works to be carried out by Bradford, but for some unknown reason the load test was not carried out either on the existing balustrade or on the section of the balustrade that was to be strengthened/refurbished by Bradfords (Appendix 13).
13. In February 2021, we received an email from Nick Packard confirming that the cost of the foundations in Cumberland Terrace had been a Paving Fund cost (i.e. paid by all the residents in Regents Park) whilst the balustrade and garden maintenance costs were borne exclusively by the residents in Cumberland Terrace. He confirmed, for the first time, that this arrangement would apply to Chester Terrace. This was a very significant statement as the foundation costs could easily become three times the balustrade costs (Appendix 14).

14. The new stance taken by the CEPC raised a lot of new issues. I enclose a copy of my email to Nick Packard dated 16 February 2021 (Appendix 15).
15. I enclose my email of 1 March 2021 with my view of the appropriate way forward (Appendix 16). My views have not changed regarding the hybrid approach.
16. In February 2021, a working group meeting took place to update the options for the foundations and balustrade (Appendix 17).

As earlier indicated, I suggested a replacement balustrade where the principal components would be bolted together, rather than using mortar, so they could if necessary be dismantled and reassembled if foundation works were required in the future. Appendix 18 shows an illustrative concept and my comments on the design.

17. At the working group meeting on 21 May 2021, it was established that the cost of a 'deconstructable balustrade' was similar to in cost to a standard new balustrade (Appendix 18). At that meeting, it was also agreed that there was little point in proceeding with repairing the existing balustrades as the cost would be similar to a new balustrade which would look much better and have a far longer life.

It was also agreed that we would ask for 'independent third party' advice from two well-known firms of structural engineers – Alan Baxter Associates and Ramboll.

18. The reports from Alan Baxter Associates and Ramboll were received in August 2021 and were then discussed in detail at the working group meeting. The group were not overly impressed with the Alan Baxter Associates report, but were impressed with the report from Ramboll, who had clearly spent far more time reviewing all the relevant reports. The author of the Ramboll report – Scott Banks – participated in the Teams meeting.

A copy of the Ramboll report is in Appendix 19 and the minutes of the working group meeting at Appendix 20. I note that the Ramboll report was not included in the CEPC planning application.

19. I urge you to read the Ramboll report carefully. It made a number of significant points that had not been considered by Hurst Pierce and Malcolm (HP&M).

- (a) There is a significant difference in the condition of the foundations and the balustrade should be divided into three sections: High Risk – Middle/South inset bay, Moderate risk – middle section, Low Risk – middle to North end.
- (b) Ramboll were critical of the fact that no monitoring of the balustrade or foundation movement had taken place. They believed that it was essential to carry out sophisticated monitoring using laser equipment for at least one year and possibly longer, depending on the results during the first year. They were surprised that HP&M had not been carrying out formal monitoring of the foundations since they were first appointed in 2019.

Ramboll believed that it was essential to establish whether the movement was annually cyclical, seasonal, progressive or now static. This would help to establish the source of the failure. If cyclical movement, then likely to be related to tree water demand. If static with instantaneous peaks, it would be road loading. If the movement is in the stem but not the foundation, it would be linked to flexural performance of the brickwork rather than any geotechnical considerations.

In short, without monitoring we could carry out unnecessary works or inadequate works. With monitoring, we could also design the new balustrade to have the appropriate movement joints to respond to either lateral or vertical movement in the foundations.

- (c) The Ramboll report also emphasised that there may be additional ways of dealing with sections of the balustrade, particularly where movement is limited or currently static. This could include:

- (i) Earth works – raising the earth level at the lower garden side end, and possibly with geogrids to provide lateral restraint.
- (ii) King posts.
- (iii) Traditional underpinning.
- (iv) Raked mini piles.
- (v) Grout injection.

The report also identified five trees in close proximity to the foundations that may need to be removed or have part of their roots removed.

Whilst the Alan Baxter report was not impressive (Appendix 20) it did make some useful mitigating measures for water and the trees – introducing root barriers, pollard trees and shrubs with high water demand, inspect and repair the three main drains that run under the garden.

It should be noted that in spite of the suggestions put forward in these two reports NONE OF THEIR RECOMMENDATIONS have been followed up during the 18 months since they were considered by the working group.

20. Following the independent reports, the QS prepared projected costings for 8 options. Some of the assumptions regarding the frequency of repair works to the balustrade over a 20 year period if the foundations were not replaced on Day 1 were, in my opinion, unrealistic and I also did not consider that HP&M were making any real efforts to explore the practicality and advantages in my suggestion to have a demountable balustrade.

The minutes of the working group meeting of 7 January 2022 (Appendix 21) reflected the differing views of the working group members and for the first time alerted the group that the CEPC commissioners might not have sufficient funds to carry out their most favoured option – the rebuilding of all the foundations and new balustrades throughout (Option 4).

The group had started to appreciate that the costs of many of the options were starting to significantly exceed earlier projections.

21. On 25 January 2022, the CEPC wrote to all Chester Terrace tenants with an analysis of the various options from HP&M, including the QS costings (Appendix 22).
22. On 9 March 2022, the working group sent a progress report to the CEPC Commissioners (Appendix 23). Please note that the report to the Commissioners states regarding Option 4 that "it was also agreed that if the tenders are significantly above the existing cost estimates, the working group may have a view on the approach to take in those circumstances". It should be noted that the latest cost estimate for Option 4 has now risen to £2,477,522 and I personally believe this is an optimistic projection.
23. On 16 May 2022, I wrote to Nick Packard and on 19 May 2022 I received his reply (Appendix 24). As you will see, some very real disagreements were starting to emerge on the fair method of dividing the foundation and balustrade costs between the Chester Terrace residents and the totality of the Regents Park residents, as previously "agreed" (see paragraph 13 and Appendix 14).
24. On 25 July 2022, I wrote to Nick Packard, having marked up the July 2020 tree plan with an indication of the trees that would need felling if Option 4 was followed. Clearly, any trees within 4 metres of the balustrade would be lost, even ignoring the possible root damage to trees further away (Appendix 25). I also made the point that any replacement trees should not just be saplings and that any trees replaced due to foundation works should be at the CEPC's cost.
25. The Quantity Surveyors prepared a revised cost estimate for Option 4 (Appendix 26) of £2,447,522 (compared to their estimate in December 2021 of £1,854,923). Note even the revised estimate excluded a general contingency and consultants' fees. The final cost could easily exceed £3,000,000!
26. On 4 January 2023, Nick Packard wrote to all Chester Terrace residents, confirming that Option 4 was still the preferred option and advised residents that a planning application had been made (Appendix 27).
27. On 9 February 2023 (Appendix 28) Nick Packard wrote to all residents that the CEPC had changed its mind (only 5 weeks after the earlier letter to all residents) and was now proposing to adopt Option 5, which was the replacement of balustrades and foundations ONLY to the Phase 1 location – the southern section – with the remainder of the foundations to remain and with the damaged balustrades to be repaired and then monitored. **This was a major change in strategy and I note it does not appear to have been notified to Camden Council in the planning application documentation.**
28. On 27 February 2023, I wrote to Nick Packard expressing my concern at the unexpected change in strategy and asking some key questions (Appendix 29).
29. On 20 February 2023, Nick Packard replied (Appendix 30). Please note the following:

- (a) The Commissioners are not prepared to give any formal binding agreement that they will be responsible for the future cost of repairs to either foundations or balustrades.
- (b) As we would have a mixture of new and refurbished balustrades, the CEPC are now proposing to paint all the balustrades and the ongoing repainting cost every 4 or 5 years would be for the residents to pay.
- (c) Nick doesn't even note that the cost to the residents of Option 4 – new balustrades – would be less than the Option 5 balustrade costs!
- (d) Notwithstanding the fact that removal of the trees as set out in their planning application was required to carry out piling work to all the foundations, Nick Packard still requires permission to destroy all 20 trees, even though it is not necessary to destroy any of the trees where foundation works are not to be carried out (approximately two thirds of the length of the balustrade). This clearly indicates that the CEPC are not being honest about their real intentions, which seem to change with every letter to residents.

30. I have carefully read the Arboricultural Report dated November 2022 from Tim Moya Associates (Appendix 31).

I have the following observations:

- (a) Paragraph 1.2 is now incorrect – only one third of the existing eastern retaining wall is to be demolished.
- (b) Paragraph 1.6 suggests that more than 20 trees will need to be destroyed.
- (c) In Paragraph 4.3 the author recognises the 'group value' of the trees in the garden.
- (d) Paragraph 4.9 doesn't quite make sense (Appendix 32) lists all the planning applications made by the CEPC for Chester Terrace Gardens. 8 planning applications were submitted by the CEPC between 2016 and 2022 for removing trees or pruning. Why would the CEPC make such applications if they had statutory powers to destroy the trees without consent from the LPA?
- (e) I enclose (as Appendix 33) a copy of the email of 23 January 2020 from Nick Bell, Tree and Landscape Officer for Camden, confirming that all these trees have legal protection and that the Council would serve a TPO if the trees were considered to be at risk.
- (f) Section 5 of the Tim Moya report makes it crystal clear that National, Greater London and local planning policies are all firmly based on the retention of trees, particularly in important conservation areas such as Chester Terrace and where they make a significant contribution to the setting of adjacent listed buildings.

- (g) The tree survey carried out by Tim Moya is clearly biased towards supporting the destruction of the 20 trees.

I enclose (Appendix 34) an independent report prepared in November 2019 by SJ Stephens Associates which includes details of their impressive credentials.

Their survey and the classification of the trees varies very significantly from the report by Tim Moya.

I assume that in the circumstances Camden will rely on the advice of their own tree officer regarding the importance and quality of the trees in question.

- (h) You will note in paragraph 6.7 the author tries to justify the wholesale removal of the trees by reference to the Todd Longstaffe-Gowan Landscape Report (Appendix 1). I am not aware that CTMV was ever formally accepted by the CEPC as stated. Moreover, at that time it was vehemently opposed by the Chester Terrace Residents Association.
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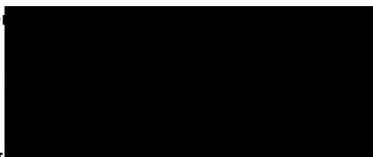
I trust that the information provided will assist in your evaluation of the merits of the CEPC's application to demolish the 20 trees in the Chester Terrace Garden. My suggestion for dealing with the application is as follows:

1. No works should take place at present, other than the minimum works required to make the balustrade safe for the next 2 years. I believe that the dangers to the public have been grossly exaggerated and your Health and Safety Officer should inspect. There are a small number of locations where it is possible to slightly move the coping, but only if considerable force (2 people pushing with all their strength). Minimal works (as previously carried out by Bradfords) are all that is required, plus if necessary some basic scaffolding support from the garden side. If necessary to minimise cost, the Herras fencing and barricades could remain in one or two of the bays without having a significant impact on the setting of the Listed Buildings.
2. The Ramboll proposals for sophisticated monitoring of the retaining wall and foundations should be adopted for a maximum of 2 years. Once the extent and nature of the movement (if any) has been established, a proper strategy for the foundation repairs or strengthening can be agreed with the Council, including some of the less intrusive solutions proposed in their report in Appendix 19. As already indicated, there is a real possibility that disruptive foundation works will only be required for part of the balustrade and trees would not need to be felled for no reason.
3. I believe the concept of a demountable balustrade should be explored further with Ramboll, not HP&M. A demountable balustrade can be aesthetically acceptable whilst significantly simplifying any future works to the balustrade or the foundation. Moreover, if cleverly designed it may be possible for any minor movements in the foundation to be absorbed by the balustrade and the balustrade to be adjusted and tightened as necessary to retain its strength and integrity.



4. The latest proposals by the CEPC represent the worst of all scenarios – destroying all the trees, replacing only part of the foundations, refurbishing and painting the majority of the balustrades with no commitment by the CEPC to pay for or carry out foundation works to the remaining balustrade elements.
5. Whilst this is not strictly a planning matter, it is essential that an acceptable, binding agreement is made between the CEPC and the Chester Terrace Residents. The works could ultimately cost several million pounds and without an agreement the commencement of works could be delayed for years with every possibility of court proceedings between the CEPC and the residents.
6. The current planning application should either be withdrawn by the CEPC or refused. Once the monitoring exercise has been completed, and the appropriate long term works agreed – including the financial arrangements with the residents – the CEPC can submit its application for the removal of those trees where their removal is essential to carry out the works and this will be supported by me and the Chester Terrace Residents.
7. With reference to the submission by Todd Longstaffe-Gowan (Appendix 1) and the supporting submission by Philip Davies included in the planning application, I believe it is self-evident that the Council would never permit the destruction of 20 trees just to facilitate the creation of a garden layout that may or may not represent what John Nash would like to see if he was alive today. That is why I have a feeling, as do many of the residents, that the balustrade repairs are being used by the CEPC as a device to carry out the Chester Terrace Management vision. No doubt if the CEPC were successful it could become an unwelcome precedent for tree removals in the other private gardens fronting Regents Park.
8. I believe that there is a very real risk that if the Council were to grant permission for the CEPC to destroy these 20 trees then once they have been removed the CEPC will change their mind yet again and no significant long term works will take place. Granting consent for the destruction of the 20 trees is not only premature but would effectively give the CEPC a licence to remove all the trees without any binding obligation to do anything else. It should also be noted that the repair of the balustrades has been on the CEPC's agenda since 2013. You will note that the Commissioners appear to have already reneged on their proposed arrangement to pay for all foundation works.

Yours sincerely



**Richard Loftus**